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Special Election, June 2, 1970,
and General Election, November 3, 1970

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

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1970 Regular Session

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64—1010

CHAPTER 1137

An act to add Chapter 8.5 (commencing with Section 3901) to Division 2 of the Business and Professions Code, relating to nursing home administrators, and making an appropriation therefor.

[Approved by Governor September 15, 1970. Filed with Secretary of State September 15, 1970.]

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

SECTION 1. Chapter 8.5 (commencing with Section 3901) is added to Division 2 of the Business and Professions Code, to read:

CHAPTER 8.5. NURSING HOME ADMINISTRATOR'S LICENSE LAW

Article 1. General Provisions

3901. This chapter may be known and cited as the "Nursing Home Administrator's Licensing Act."

3902. "Nursing home" means any institution, facility, place, building or agency, or portion thereof, defined and licensed as such in Chapter 2 (commencing with Section 1400) of Division 2 of the Health and Safety Code. The term "nursing home" as used in this act includes private mental institutions as defined and licensed in Chapter 1 (commencing with Section 7000) of Division 7 of the Welfare and Institutions Code.

3903. "Nursing home administrator" means an individual who, in carrying out the policies of the governing body of a nursing home, is charged with the general administration of a nursing home, whether or not such individual has an ownership interest in such home and whether or not his functions and duties are shared with one or more other individuals. However, nothing in this chapter shall be construed to prevent any person, as long as he is otherwise qualified, from obtaining and maintaining a license.

3904. "Board" means the State Board of Examiners of Nursing Home Administrators of the State of California.

3905. Ninety days after the board has adopted a resolution declaring that applications may be received for provisional licenses under Section 3922, it shall be a misdemeanor for any person to act or serve in the capacity of a nursing home administrator, unless he is the holder of a nursing home administrator's license issued in accordance with the provisions of this chapter; provided, however, that persons carrying out functions and duties delegated by a licensed administrator shall not be construed to be committing any unlawful act under this chapter.

This section shall not apply to any person who serves as an acting administrator as provided in this paragraph when a licensed administrator is not available because of death, illness,

or any other reason. A person who is acting as an administrator shall notify the board within five days of that fact and the circumstances which made it necessary. No person shall act as an administrator for more than 10 days unless arrangements have been made for part-time supervision of his activities by a nursing home administrator who holds a license or provisional license under this chapter. The board shall be notified of the nature of such arrangements. No person may act as an administrator for more than two months without the approval of the board and the board may not approve a person to act as an administrator for more than six months.

3906. A person who serves as an administrator of a nursing home which is exempt from licensing pursuant to subdivision (c) of Section 1415 of the Health and Safety Code, shall be exempt from the provisions of this chapter.

Article 2. Administration

3910. There is hereby created in the Department of Professional and Vocational Standards a State Board of Examiners of Nursing Home Administrators which shall consist of nine members, appointed by the Governor, all of whom shall be citizens of the United States and residents of this state. The first administrator appointees to the board shall be chosen from among the persons who are eligible for licensure pursuant to this chapter.

3911. Six members of the board, at the time of their appointment, shall be actively engaged in the administration of nursing homes as defined in Section 3902 of this chapter, three of whom shall be actively engaged in proprietary nursing homes, two of whom shall be actively engaged in nonprofit, charitable private nursing homes, and one of whom shall be actively engaged in an acute general hospital licensed for long-term care beds and which is participating in the Title XIX, Social Security Act, medical assistance program.

3912. Three members of the board shall represent the general public. No person shall be appointed or continue to serve as a public member if he, or his spouse, children, parents, brothers, or sisters are engaged in the management, ownership, operation, or supervision of any nursing home or hospital, or have a legal or financial interest in any nursing home or hospital. One of the three public members shall be actively engaged in the practice of medicine, with a demonstrated interest in convalescent and chronic care, and one of the three public members shall be actively engaged as an educator in health care administration.

3913. The three public members of the first board shall administer to the initial administrator members of the first board an examination of the type to be required of applicants under this chapter, and the initial administrator members of the first board who pass the examination shall thereafter be issued their licenses as nursing home administrators pursuant to this chapter.

3914. Three members of the first board shall be appointed initially for a term expiring July 15, 1974, three members shall be appointed for a term expiring July 15, 1973, and three members shall be appointed for a term expiring July 15, 1972. Thereafter the terms of all members shall be three years. Members of the board may be removed by the Governor for cause.

Each member shall hold office until the appointment and qualification of his successor, or until one year shall have elapsed since the expiration of the term for which he was appointed, whichever first occurs. Vacancies occurring in membership of the board for any cause shall be filled by appointment for the balance of the unexpired term.

3915. The board shall elect from its membership three officers, a chairman, a vice chairman and a secretary, and shall adopt rules and regulations to govern its proceedings. The chairman, or five board members, by signed written request, may call board meetings upon written notice to each member of the board. The board at its discretion shall appoint an executive officer.

3915.5. After June 30, 1972, the board shall meet not more than six times each year without the prior approval of the director. All regular and special meetings of the board shall be preceded by 30 days' notice to the public. Such meetings shall be held in places readily accessible to the public and, whenever possible, in public buildings.

3916. In conformity with the requirements of Section 1908(c) of the Social Security Act, the board shall have all of the following duties:

(a) To develop, impose and enforce standards that shall be met by individuals in order to receive a license as a nursing home administrator, such standards shall be designed to ensure that nursing home administrators shall be individuals who are of good character and otherwise are suitable and who, by training or experience in the field of institutional administration, are qualified to serve as nursing home administrators.

(b) To develop and apply appropriate techniques, including examinations and investigations, for determining whether an individual meets such standards.

(c) To issue licenses to individuals determined, after the application of such techniques, to meet such standards, and to revoke or suspend licenses previously issued by the board in any case where the individual holding any such license is determined substantially to have failed to conform to the requirements of such standards.

(d) To establish and carry out procedures designed to ensure that individuals licensed as nursing home administrators will, during any period that they serve as such, comply with the requirements of such standards.

(e) To receive, investigate and take appropriate action with respect to any charge or complaint filed with the board to the effect that an individual licensed as a nursing home adminis-

trator has failed to comply with the requirements of such standards.

(f) To conduct a continuing study of the administration of nursing homes within the state, with a view to the improvement of the standards imposed for the licensing of such administrators, and of procedures and methods for the enforcement of such standards with respect to administrators of nursing homes who have been licensed as such.

(g) To receive and administer all funds and grants as are made available to the board in order to carry out the purposes of this chapter.

(h) To encourage qualified educational institutions and other qualified organizations to establish, provide and conduct such training and instruction programs and courses as will enable all otherwise qualified individuals to attain the qualifications necessary to meet the standards set by the board, for licensed nursing home administrators, and as will enable licensed nursing home administrators to meet the continuing education requirements for the reregistering of their license.

(i) To consult with and seek the recommendations of the appropriate statewide professional societies, associations, institutional organizations and educational institutions in the development of educational programs.

(j) To give due consideration to the recommendations of the National Advisory Council on Nursing Home Administration, pursuant to the provisions of subdivision (f) of Section 1908 of Title XIX of the Social Security Act (subd. (f), Sec. 1396g, Title 42, U.S.C.).

3917. The board shall adopt such rules and regulations as are reasonably necessary to carry out the provisions of this chapter. Such rules and regulations shall be adopted, amended, and repealed in accordance with Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code.

Article 3. Licensing

3920. In order to apply for a license, except a provisional license under Section 3922, a person shall make application to the board on a form approved by the board, pay the application fee established by the board, and meet all of the following qualifications:

(a) Be at least 21 years of age.

(b) Be of good moral character.

(c) Have successfully completed an approved general education course of study as determined by the board or have comparable background and experience or a comparable combination of general education, background and experience, as determined by the board.

3921. Unless otherwise provided in this chapter, every applicant for a license as a nursing home administrator, shall be examined by the board. The examination shall be held at least once a year, at a time and a place to be determined by the board.

3922. (a) A provisional license may be issued to any individual applying therefor who has served, as shown by such individual's affidavit, as a nursing home administrator for all of the calendar year immediately preceding July 1, 1970, and who meets the standards specified in subdivisions (a), (b), and (c) of Section 3920. Any such provisional license shall terminate upon the issuance of a permanent license or at midnight, June 30, 1972, whichever is earlier.

(b) If a provisional license is issued to an individual, there shall be provided in this state during all of the period for which such provisional license remains in effect, a program of training and instruction designed to enable all provisionally licensed nursing home administrators to attain the qualifications necessary to be fully licensed as a nursing home administrator, as provided under this chapter.

3923. After June 30, 1972, no person may be licensed under this chapter unless he has passed the examination given by the board.

3924. (a) Every holder of a nursing home administrator's license shall reregister biennially, on dates specified by the board, by making application for reregistration. In the event that the license of an individual is not reregistered within three years from the most recent date for reregistration, it shall lapse and such individual shall again apply for licensing and meet all requirements of this chapter as for a new applicant.

(b) A condition of reregistration shall be the presentation of proof by the licensee that he has attended the number of classroom hours of approved educational programs, classes, seminars or proceedings as set by the board.

(c) A licensee may reregister pursuant to this chapter, although he may not currently be actively engaged in nursing home administration.

3925. The board may issue a license to any person who holds a current license as a nursing home administrator from another state and who demonstrates substantial knowledge of applicable California statutes, codes, regulations and rules, provided that the board finds that the standards for licensure in such other jurisdiction are at least the substantial equivalent of those prevailing in this state, and the applicant is otherwise qualified.

Article 4. Disciplinary Proceedings

3930. The board may deny, or may suspend or revoke, a license upon any of the following grounds:

(a) Gross negligence.

(b) Incompetence.

(c) The commission of any act involving moral turpitude, dishonesty, or corruption, whether the act is committed in the course of the individual's activities as a licensee, or otherwise, or whether the act is a felony or a misdemeanor.

(d) Using fraud or deception in applying for a license or in taking the examination provided for in this chapter.

(e) Treating or attempting to treat any physical or mental condition without being currently licensed to do so.

(f) Violating Section 650 of the Business and Professions Code, any provision of this chapter or any rule or regulation of the board adopted pursuant to this chapter.

(g) Lack of any qualification requirement for the license.

3931. To deny an application for license, the board shall:

(a) File and serve a statement of issues in accordance with Section 3932; or, in the alternative,

(b) Notify the applicant in writing that his application is denied, stating (1) the reason for the denial, and (2) that the applicant has a right to a hearing under Section 3932 if he makes written request therefor to the board within 60 days after service of the notice of denial. Unless written request for hearing is made within the 60-day period, applicant's right to a hearing is deemed waived.

Service of the notice of denial may be made in the manner authorized for service of summons in civil actions or by registered mail addressed to the applicant at the latest address filed by the applicant in writing with the board in his application or otherwise. Service by mail is complete on the date of mailing.

3932. Proceedings to suspend or revoke a license under this chapter, and hearings to deny an application for license under Section 3931, 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.

Article 5. Fees

3940. The amount of the fees prescribed by this chapter is that fixed by the following schedule:

(a) The application fee for a nursing home administrator's license or provisional license is twenty dollars ($20).

(b) The initial fee for a license or provisional license is not less than fifty-five dollars ($55) nor more than seventy dollars ($70).

(c) The renewal fee is not less than fifty-five dollars ($55) nor more than seventy dollars ($70)

(d) The delinquency fee is 50 percent of the renewal fee.

The board shall fix the fees, within the limits of the amounts prescribed in subdivision (b) and (c), in such amounts as it determines are reasonably necessary to provide sufficient funds to carry out the purpose of this chapter.

3941. Within ten (10) days after the beginning of every month, all fees collected by the board for the month preceding, under the provisions of this chapter, shall be paid into the State Treasury to the credit of the Nursing Home Administrator's State License Examining Board Fund, which fund is hereby created.

3942. The money paid into the Nursing Home Administrator's State License Examining Board Fund shall be continuously appropriated to the board for expenditure in the manner prescribed by law to defray the expenses of the board and in carrying out and enforcing the provisions of this chapter.

Article 6. Invalidity

3950. If any provision of this chapter, or the application thereof to any person or circumstance, 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 declared to be severable.

SEC. 2. The State Board of Examiners of Nursing Home Administrators of the State of California shall report to the Legislature by the fifth calendar day of the 1973 Regular Session concerning the operation of the Nursing Home Administrator's Licensing Act. The report shall include problems which the board has encountered in administering the act and its recommendations for legislative changes.

SEC. 3. The sum of sixty-two thousand dollars ($62,000) is hereby appropriated from the General Fund to the Nursing Home Administrator's State License Examining Board Fund to be used during the balance of the 1970–1971 fiscal year, for the purposes of this act. The General Fund shall be reimbursed in the amount of sixty-two thousand dollars ($62,000) for the appropriation made therefrom to the Nursing Home Administrator's State License Examining Board Fund by this section out of the revenue derived by the latter fund from the fees paid into the State Treasury to its credit pursuant to Section 3941 of the Business and Professions Code.

SEC. 4. Section 3910 is added to the Business and Professions Code, to read:

3910. There is in the Department of Health a State Board of Examiners of Nursing Home Administrators. Such board shall consist of nine members, appointed by the Governor, all of whom shall be citizens of the United States and residents of this state. The first administrator appointees to the board shall be chosen from among the persons who are eligible for licensure pursuant to this chapter.

SEC. 5. Section 3915.5 is added to the Business and Professions Code, to read:

3915.5. After June 30, 1972, the board shall meet not more than six times each year without prior approval of the Director of the Department of Health. All regular and special meetings of the board shall be preceded by 30 days' notice to the public. Such meetings shall be held in places readily accessible to the public and, whenever possible, in public buildings.

SEC. 6. If this bill is enacted and the Governor's Reorganization Plan No. 1 of the 1970 Regular Session becomes effective, Sections 4 and 5 of this act shall become operative

and supersede the Governor's Reorganization Plan No. 1 of the 1970 Regular Session, and Sections 3910 and 3915.5 of the Business and Professions Code as added by Section 1 of this act are repealed.

CHAPTER 1138

An act to amend Section 9975 of the Business and Professions Code, relating to employment agencies.

[Approved by Governor September 15, 1970. Filed with Secretary of State September 15, 1970.]

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

SECTION 1. Section 9975 of the Business and Professions Code is amended to read:

9975. No employment agency shall accept a fee from any applicant for employment, or send any applicant for employment without having obtained orally or in writing, a bona fide order for employment, and in no case shall such employment agency accept, directly or indirectly, a registration fee of any kind. Should an employment agency send an applicant for employment and should the applicant secure employment other than that position specified in the bona fide order for employment to which the applicant was sent, but with the same employer, then the agency shall be entitled to a fee for the employment of the applicant, payable by the applicant, computed under the terms of the fee schedule in effect in the agency at the time of referral, provided that the applicant secures employment within 180 days of the date of referral. The expiration date of the referral shall be stated in the contract.

In interagency disputes concerning the earning of a fee for placement of an applicant, the fee shall be earned by the agency responsible for the applicant being placed. A reasonable effort shall be made by the billing agency to determine that it is entitled to the fee. The applicant shall be responsible for only one full fee for any single placement, and this fact shall be so stated in the contract.

CHAPTER 1139

An act to add Section 69893.5 to the Government Code, relating to superior courts.

[Approved by Governor September 15, 1970. Filed with Secretary of State September 15, 1970.]

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

SECTION 1. Section 69893.5 is added to the Government Code, to read:

69893.5. In each county with a population of 480,000 and not more than 503,000, as determined by the 1960 Federal Census, the superior court may establish such titles as are required and, with the approval of the board of supervisors, may appoint and employ a court administrator, probate file examiner, master calendar clerk, legal secretaries, assistants, and other employees as it deems necessary for the performance of the duties and exercise of the powers conferred by law upon it and its members. Rates of compensation of all officers, assistants, and other employees may be established and adjusted by the board of supervisors.

CHAPTER 1140

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

[Approved by Governor September 15, 1970. Filed with Secretary of State September 15, 1970.]

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 1973 which was manufactured or sold in California in quantities of less than 2,000 units for such model year, if the sales of the make of motor vehicle in California did not exceed 200 units in the 1968 calendar year.

CHAPTER 1141

An act to add Sections 18104, 18104.1, 18104.2, 18104.3, 18104.4, and 18104.5 to the Education Code, relating to special education.

[Approved by Governor September 15, 1970. Filed with Secretary of State September 15, 1970.]

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

SECTION 1. Section 18104 is added to the Education Code, to read:

18104. (a) The Superintendent of Public Instruction shall withhold from the total amount allocated in the current fiscal year by subdivisions (c), (e), and (g) of Section 17303.5 an amount equal to .0016 of the amount so allocated in the preceding fiscal year, for use by the Department of Education for research, program development, and evaluation in special education through contractual agreements.

(b) Seventy-five percent of the total amount withheld pursuant to subdivision (a) shall be used by the department to contract for research in the special education of exceptional children. Contractual agreements for such research shall be made with California universities operating a joint doctoral program in special education in cooperation with a state college. For each of the two California universities operating such doctoral program on the effective date of the enactment of this section, the department shall expend for research services at least seventy-five thousand dollars ($75,000) annually for a period of five years.

(c) Twenty-five percent of the total amount withheld pursuant to subdivision (a) shall be used by the department for program development and evaluation through contractual agreements with an agency or organization possessing personnel and the competencies necessary for the successful completion of the project or projects selected for study and analysis.

SEC. 2. Section 18104.1 is added to the Education Code, to read:

18104.1. There is hereby established a Committee on Special Education which shall annually select new or continuing areas of research, program development, and evaluation in special education. The committee shall be composed of the coordinator of the joint doctoral program from each college and university conducting such special education program, the Chief of the Division of Special Education of the Department of Education, a specialist in special education chosen by him, a physician and surgeon licensed by the Board of Medical Examiners of the State of California from the Neuropsychiatric Institute, U.C.L.A. Medical Center, chosen by the Regents of the University of California, a physician and surgeon licensed by the Board of Medical Examiners of the State of California from the Langley Porter Neuropsychiatric Institute, University of California Medical School Center, San Francisco, chosen by the Regents of the University of California, and a member of the California State Federation of the Council for Exceptional Children chosen by the president of that organization.

SEC. 3. Section 18104.2 is added to the Education Code, to read:

18104.2. The Chairman of the Assembly Education Committee, the Chairman of the Senate Education Committee, and two additional Members each of the Assembly and Senate chosen by the Speaker and the President pro Tempore, respectively, shall meet with the Committee on Special Education and participate in its activities to the extent that such participation is not incompatible with their respective positions as Members of the Legislature.

SEC. 4. Section 18104.3. is added to the Education Code, to read:

18104.3. For the purposes of Sections 18104.1 and 18104.2, the Members of the Legislature shall constitute an interim in-

vestigating committee on the subject of special education and as such shall have the powers and duties imposed upon such a committee by the Joint Rules of the Senate and the Assembly.

SEC. 5. Section 18104.4 is added to the Education Code, to read:

18104.4. On November 1 of each of the years 1971 to 1974, inclusive, the Department of Education shall report to the Joint Legislative Budget Committee on all activities relating to contracts for research in special education by the joint doctoral programs specified in subdivision (b) of Section 18104, and on all activities of evaluation and program development through contractual agreements with an agency or organization authorized by subdivision (c) of Section 18104.

The Legislative Analyst shall prepare an annual analysis for the Legislature of the reports made by the Department of Education to the Joint Legislative Budget Committee.

SEC. 6. Section 18104.5 is added to the Education Code, to read:

18104.5. The Legislative Analyst shall be informed by the Department of Education of the progress of any current negotiations respecting any proposed contract for research, evaluation, or program development in special education.

CHAPTER 1142

An act to amend Sections 16054 and 16055 of the Government Code, relating to Environmental Quality Study Council, and making an appropriation therefor.

[Approved by Governor September 15, 1970. Filed with Secretary of State September 15, 1970.]

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

SECTION 1. Section 16054 of the Government Code is amended to read:

16054. The council shall cease to exist upon the adjournment sine die of the 1972 Regular Session of Legislature.

SEC. 2. Section 16055 of the Government Code is amended to read:

16055. The council shall make progress reports to the Governor and to the Legislature on February 1, 1969, on February 1, 1970, and on February 1, 1971; and shall make a final report to the Governor and to the Legislature on February 1, 1972, at which time the council shall make recommendations as to how its powers and duties can best be carried out in the future.

There is hereby continuously appropriated from the California Environmental Protection Program Fund as created by Senate Bill 262 of the 1970 Regular Session of the Legislature to the council sufficient funds for the necessary expenses of the council in the performance of its duties.

CHAPTER 1143

An act to add Section 146e to the Penal Code, relating to law enforcement.

[Approved by Governor September 15, 1970. Filed with Secretary of State September 15, 1970.]

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

SECTION 1. Section 146e is added to the Penal Code, to read:

146e. Every person who maliciously, and with the intent to obstruct justice or the due administration of the laws, publishes, disseminates, or otherwise discloses the residence address or telephone number of any peace officer while designating the peace officer as such, without the authorization of the agency which employs such peace officer, is guilty of a misdemeanor.

CHAPTER 1144

An act to add Section 20084 to the Education Code, relating to community college district capital outlay.

[Approved by Governor September 15, 1970. Filed with Secretary of State September 15, 1970.]

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

SECTION 1. Section 20084 is added to the Education Code, to read:

20084. Any community college district may award bids for construction of buildings and facilities, the proposed projects for which have been approved by the Board of Governors of the California Community Colleges, and the Department of Finance pursuant to Sections 20076 and 20077, prior to the appropriation by the Legislature of the state's share of the funding thereof pursuant to Section 20082, if such district has demonstrated to the satisfaction of the Board of Governors of the California Community Colleges and the Department of Finance that the district has substantiated the need for the early awarding of bids by its capital construction program, and the construction dates contained therein, and that the district has the financial capabilities to complete the building projects for which the bids have been awarded in the event the Legislature fails to appropriate the necessary state funding.

CHAPTER 1145

An act to add Section 16002.2 to the Business and Professions Code, relating to licensing by cities.

[Approved by Governor September 15, 1970. Filed with Secretary of State September 15, 1970.]

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

SECTION 1. Section 16002.2 is added to the Business and Professions Code, to read:

16002.2. No city shall impose a license fee or tax, other than a fee or tax based on gross receipts, for the privilege of renting, leasing, or operating laundry equipment, whether or not coin operated, upon any individual or firm whose business is limited exclusively to renting, leasing, or operating such equipment, which license fee taxes or has the effect of taxing any gross receipts, other than gross receipts actually derived from the conduct of business within such city. For purposes of this section, the tax shall be based on the entire gross receipts of the taxpayer derived within the city, and no minimum tax shall be imposed upon any business location, nor shall such tax be measured by the number of business locations or machines of the taxpayer within the city.

This section shall not apply to coin-operated laundry equipment owned and operated by a retail establishment providing coin-operated laundry equipment for general public use.

CHAPTER 1146

An act to add Section 17822 to, and to amend Section 24413 of, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

[Approved by Governor September 15, 1970. Filed with Secretary of State September 15, 1970.]

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

SECTION 1. Section 17822 is added to the Revenue and Taxation Code, to read:

17822. Distributions received from real estate investment trusts pursuant to Section 24413 shall be treated as received by the shareholder or holder of a beneficial interest in the taxable year in which the distribution is made.

SEC. 2. Section 24413 of the Revenue and Taxation Code is amended to read:

24413. (a) Unincorporated trusts or unincorporated associations which are subject to the provisions of this part for the income year, and which qualify for federal tax purposes as "real estate investment trusts" under Sections 856, 857 and 858 of the Internal Revenue Code of 1954, shall be entitled to a deduction for income distributed during the income year.

(b) For the purposes of this section, if a real estate investment trust:

(1) Declares a dividend before the time prescribed by law for the filing of its return for an income year (including the period of any extension of time granted for filing such return); and

(2) Distributes the amount of such dividend to shareholders or holders of beneficial interests in the 12-month period following the close of such income year and not later than the date of the first regular dividend payment made after such declaration,

the amount so declared and distributed shall, to the extent the trust elects in its return filed with the Internal Revenue Service pursuant to Section 858 of the Internal Revenue Code of 1954, be considered as having been paid during such income year, except as provided in subdivisions (c) and (d).

(c) Amounts to which subdivision (b) applies shall be treated as received by the shareholder or holder of a beneficial interest in the income year in which the distribution is made.

(d) In the case of amounts to which subdivision (b) applies, any notice to shareholders or holders of beneficial interests required under this section with respect to such amounts shall be made not later than 30 days after the close of the income year in which the distribution is made.

SEC. 3. The provisions of this act shall be applicable to returns due (without regard to any extension of time for filing pursuant to Section 25402) on or after the effective date of this act.

SEC. 4. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect.

CHAPTER 1147

An act to add Section 11725 to the Vehicle Code, relating to vehicles.

[Approved by Governor September 15, 1970. Filed with Secretary of State September 15, 1970.]

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

SECTION 1. Section 11725 is added to the Vehicle Code, to read:

11725. No person shall transport or drive any motor vehicle from this state outside of the United States with the intent to register or sell such vehicle in a foreign jurisdiction, without first removing the license plates and delivering them to the department. Such person may obtain a permit from the department authorizing the operation of the unlicensed motor vehicle on the public highways of this state in order to reach such foreign jurisdiction. Failure to deliver the license plates as required by this section shall be a misdemeanor.

CHAPTER 1148

An act to amend Section 74501 of the Government Code, relating to courts.

[Approved by Governor September 15, 1970. Filed with Secretary of State September 15, 1970.]

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

SECTION 1. Section 74501 of the Government Code is amended to read:

74501. There shall be 19 judges.

CHAPTER 1149

An act to validate the organization, boundaries, acts, proceedings and bonds of public bodies, as herein defined, and to provide limitations of time within which actions may be commenced in connection therewith.

[Approved by Governor September 15, 1970. Filed with Secretary of State September 15, 1970.]

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

SECTION 1. The following terms shall have the following meanings herein:

(a) The term "public body" means counties, cities and counties, cities, and the following districts, authorities, agencies, boards, commissions and other entities:

Agencies, boards, commissions or entities constituted or provided for under or pursuant to Chapter 5 (commencing with Section 6500), Division 7, Title 1 of the Government Code.
Air pollution control districts.
Airport districts.
Assessment districts.
Bridge and highway districts.
California water district improvement districts.
California water districts.
Cemetery districts.
Citrus pest control districts.
City general improvement district improvement districts.
City general improvement districts.
City maintenance districts.
Community service districts.
Conservancy districts.
County boards of education.
County drainage districts.
County fire protection districts.
County maintenance districts.

County power pumping districts.
County sanitation districts.
County service area improvement areas.
County service areas.
County sewerage and water districts.
County water agencies.
County water authorities.
County water district improvement districts.
County water districts.
County waterworks districts.
Department of Water Resources and other agencies acting under and pursuant to Part 3 (commencing with Section 11100), Division 6 of the Water Code.
Drainage districts.
Fire protection districts.
Flood control and water conservation districts.
Flood control districts.
Garbage and refuse disposal districts.
Garbage disposal districts.
Harbor districts.
Harbor improvement districts.
Highway districts.
Highway interchange districts.
Highway lighting districts
Horticultural protection districts.
Horticultural development districts.
Housing authorities.
Irrigation district distribution districts.
Irrigation district improvement districts.
Irrigation districts.
Joint harbor improvement districts.
Joint highway districts.
Joint municipal sewage disposal districts.
Junior college districts.
Levee districts.
Library districts.
Local health districts.
Local hospital districts.
Metropolitan water districts.
Mosquito abatement districts.
Municipal improvement district improvement districts.
Municipal improvement districts.
Municipal improvement assessment districts.
Municipal port districts.
Municipal sewer districts.
Municipal utility districts.
Municipal water district improvement districts.
Municipal water districts of any kind.
Parking authorities.
Parking districts.
Park, recreation and parkway districts.
Permanent road divisions.

Pest abatement districts.
Port districts.
Protection districts.
Public cemetery districts.
Public utility district improvement districts.
Public utility districts.
Rapid transit authorities.
Rapid transit districts.
Reclamation districts.
Recreational harbor districts.
Recreation and park districts.
Recreation, park and parkway districts.
Redevelopment agencies.
Regional park districts.
Regional planning districts.
Resort improvement districts.
River port districts.
Road districts.
Sanitary districts.
Sanitary districts annexed areas.
School districts of any kind or class.
Separation of grade districts.
Sewer maintenance districts.
Soil conservation districts.
Special transit service districts.
Storm water districts.
Transit districts.
Underground utility districts.
Unified air pollution control districts.
Unified port districts.
Urban renewal agencies.
Vehicle parking districts.
Veterans' memorial districts.
Water agencies.
Water authorities.
Water conservation districts.
Water districts.
Water replenishment districts.
Water storage district improvement districts.
Water storage districts.
Weed abatement districts.
Zones of flood control districts.
Zones of flood control and water conservation districts.
Zones of county water agencies.
Zones of county water authorities.

The term "public body" and the plural thereof, as used in this act, shall include only those entities which are specifically enumerated in this section.

(b) The term "bonds" means all instruments evidencing an indebtedness of a public body incurred or to be incurred for any public purpose, and all instruments evidencing the

borrowing of money in anticipation of taxes, revenues or other income of such body, and all instruments payable from revenues or special funds of such public bodies, and all instruments funding or refunding any thereof or any indebtedness.

SEC. 2. All public bodies heretofore organized or existing under, or under color of, any law are hereby declared to have been legally organized and to be legally functioning as such public body. Every such public body shall have all the rights, powers, and privileges, and be subject to all the duties and obligations of such a public body regularly formed pursuant to law.

SEC. 3. The boundaries of every public body as heretofore established, defined, or recorded, or as heretofore actually shown on maps or plats used by the assessor, are hereby confirmed, validated, and declared legally established.

SEC. 4. All acts and proceedings heretofore taken by any public body or bodies under any law, or under color of any law, for the annexation or inclusion of territory into any such public body or for the annexation of any such public body to any other such public body or for the withdrawal or exclusion of territory from any such public body or for the consolidation, merger or dissolution of any public bodies are hereby confirmed, validated, and declared legally effective. This shall include all acts and proceedings of the governing board of any such public body and of any person, public officer, board or agency heretofore done or taken upon the question of the annexation or inclusion or of the withdrawal or exclusion of such territory or the consolidation, merger or dissolution of such public bodies.

SEC. 5. All acts and proceedings heretofore taken by or on behalf of any public body under any law, or under color of any law, for the authorization, issuance, sale, or exchange of bonds of any such public body for any public purpose are hereby confirmed, validated, and declared legally effective. This shall include all acts and proceedings of the governing board of such public body and of any person, public officer, board or agency heretofore done or taken upon the question of the authorization, issuance, sale, or exchange of such bonds.

All bonds of any public body heretofore issued shall be, in the form and manner in which issued and delivered, the legal, valid and binding obligations of the public body. All bonds of any public body heretofore awarded and sold to a purchaser and hereafter issued and delivered in accordance with the contract of sale and other proceedings for the award and sale shall be the legal, valid and binding obligations of the public body. All bonds of any public body heretofore authorized to be issued by ordinance, resolution, order or other action adopted or taken by or on behalf of the public body and hereafter issued and delivered in accordance with such authorization shall be the legal, valid and binding obligations of the public body. All bonds of any public body heretofore authorized to be issued at an election and hereafter issued

and delivered in accordance with such authorization shall be the legal, valid and binding obligations of the public body. Whenever an election has heretofore been called for the purpose of submitting to the voters of any public body the question of issuing bonds for any public purpose, such bonds, if hereafter authorized by the required vote and in accordance with the proceedings heretofore taken, and issued and delivered in accordance with such authorization, shall be the legal, valid and binding obligations of the public body.

SEC. 6. (a) The foregoing provisions of this act shall operate to supply such legislative authorization as may be necessary to validate any such acts and proceedings heretofore taken which the Legislature could have supplied or provided for in the law under which such acts or proceedings were taken.

(b) The foregoing provisions of this act shall be limited to the validation of acts and proceedings to the extent to which the same can be effectuated under the State and Federal Constitutions.

(c) The foregoing provisions of this act shall not operate to confirm, validate, or legalize any act, proceeding, or other matter the legality of which is being contested or inquired into in any legal proceeding now pending and undetermined or which may be pending and undetermined during the period of 30 days from and after the effective date of this act, and shall not operate to confirm, validate, or legalize any act, proceeding, or other matter which has heretofore been determined in any legal proceeding to be illegal, void or ineffective.

(d) This act shall not operate to confirm, validate, or legalize a contract between any district and the United States.

SEC. 7. Any action or proceeding contesting the validity of any action or proceeding heretofore taken under any law, or under color of any law, for the formation, organization or incorporation of any public body, or for any annexation thereto, exclusion therefrom or other change of boundaries thereof, or for the consolidation, merger or dissolution of any public bodies, or for the authorization, issuance, sale or exchange of bonds thereof upon any ground involving an alleged defect or illegality not effectively validated by the prior provisions of this act and not otherwise barred by any statute of limitations or by laches must be commenced within six months of the effective date of this act; otherwise each and all of said matters shall be held to be valid and in every respect legal and incontestable. This section shall not extend the period in which any action may be brought beyond the period in which it would be barred by any presently existing valid statute of limitations.

SEC. 8. Nothing contained in this act shall be construed to render the creation of any city or district, or any change in the boundaries of any city or district, effective for purposes of assessment or taxation unless the statement, together with the map or plat, required to be filed under Sections 54900 to

54904, inclusive, of the Government Code, is filed within the time and substantially in the manner required by said sections.

SEC. 9. As used in this act, the word "now" means the date this act takes effect; the word "heretofore" means any time prior to such effective date; and the word "hereafter" means any time subsequent to such effective date.

SEC. 10. This act may be cited as the Third Validating Act of 1970.

CHAPTER 1150

An act to amend Sections 4852.02 and 4852.03 of the Penal Code, relating to rehabilitation and pardon.

[Approved by Governor September 15, 1970. Filed with Secretary of State September 15, 1970.]

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

SECTION 1. Section 4852.02 of the Penal Code is amended to read:

4852.02. (a) A person who files a notice of intention pursuant to Section 4852.01 of this code shall within 10 days thereafter:

(1) Serve upon the chief of police of the city in which he resides, or upon the sheriff of the county if he resides in unincorporated territory, a certified copy of the notice of intention filed with the county clerk.

(2) Give to the peace officer his photograph and fingerprints, full information concerning his residence and occupation, and any other information concerning his conduct and manner of living which the peace officer may require.

(3) Agree to submit to the supervision of the peace officer and conform to any reasonable requirements by the peace officer during the period of rehabilitation.

(b) If any of the requirements of paragraphs (1) to (3), inclusive, of subdivision (a) are not performed until after the 10-day period specified by this section, the period of rehabilitation shall commence when there is compliance with paragraph (1) of subdivision (a). This subdivision shall apply to notices of intention filed before or after the effective date of the amendment of this section enacted at the 1970 Regular Session of the Legislature.

(c) However, if after the filing and serving of the notice the person filing it changes his residence to another county he shall file with the county clerk of such other county a notice of intention similar in form and substance to that previously filed, which second notice shall state the date and place where the previous notice was filed and the name and title of the peace officer upon whom the same was served. A certified copy of such second notice shall be served upon the chief of police of the city into which he has moved, or upon the sheriff of the county if the changed residence is in unincorporated territory,

and the person filing the notice shall give to such peace officer the information described in this section.

(d) Upon the filing of such second notice the county clerk shall transmit notice of that fact to the county clerk with whom the previous notice was filed and said last-mentioned county clerk shall transmit the said previous notice to the county clerk with whom the second notice was filed.

(e) Upon request of the county clerk with whom the second notice is filed, the district attorney shall move and the superior court shall order that the county clerk with whom the original notice was filed furnish such material and data in his possession relevant to the case to the county clerk with whom the second notice was filed.

SEC. 2. Section 4852.03 of the Penal Code is amended to read:

4852.03. The period of rehabilitation shall not begin to run until there has been compliance with paragraph (1) of subdivision (a) of Section 4852.02. For purposes of this chapter, the period of rehabilitation shall constitute three years' residence in the county or counties in which such notice or notices are filed, plus a period of time determined by the following rules:

(1) To the three years there shall be added 30 days for each year of the term prescribed by statute as the maximum penalty of imprisonment for the crime of which the petitioner was convicted. When the maximum term includes the fractional part of a year, the period of rehabilitation shall be extended by a proportional part of the 30-day period.

(2) For the purposes of this chapter, crimes with maximum penalties of life imprisonment shall be regarded as carrying a maximum penalty of imprisonment for 50 years.

(3) Where the petitioner is convicted of multiple crimes, the maximum penalty for the purpose of computing the period of rehabilitation shall be determined as follows: (a) if the sentences are made to run concurrently, the greatest maximum penalty prescribed by statute for any of such crimes shall constitute the maximum penalty; (b) if the sentences are made to run consecutively, the sum of the maximum penalties prescribed by statute for all such crimes shall constitute the maximum penalty, but in no case shall the maximum penalty exceed the period prescribed for life imprisonment under subparagraph (2) of this section. The trial court hearing the application for the certificate of rehabilitation may, if the defendant was ordered to serve consecutive sentences, order that his statutory period of rehabilitation be extended for an additional period of time which when combined with the time already served will not exceed the period prescribed by statute for the sum of the maximum penalties for all such crimes.

(4) Any person who was discharged after completion of his term or was released on parole before May 13, 1943, is not subject to the periods of rehabilitation set forth in these rules.

Unless and until the period of rehabilitation, as stipulated herein, has passed, the petitioner shall be ineligible to file his petition for a certificate of rehabilitation with the court. Any certificate of rehabilitation which is issued and under which the petitioner has not fulfilled the requirements of this chapter shall be void.

A change of residence does not interrupt the period of rehabilitation prescribed by this section if the second notice of intention required by Section 4852.02 of this code is filed.

CHAPTER 1151

An act to amend Section 20460 of the Government Code, relating to the Public Employees' Retirement System.

[Approved by Governor September 15, 1970. Filed with Secretary of State September 15, 1970.]

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

SECTION 1. Section 20460 of the Government Code is amended to read:

20460. Approval of the contract shall be by ordinance adopted by the affirmative vote of a majority of the members of the governing body, not less than 20 days after the adoption of the resolution of intention, or by ordinance adopted by a majority vote of the electorate of the public agency voting thereon.

CHAPTER 1152

An act to amend Section 69602 of the Government Code, relating to superior courts.

[Approved by Governor September 15, 1970. Filed with Secretary of State September 15, 1970.]

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

SECTION 1. Section 69602 of the Government Code is amended to read:

69602. In the County of Solano there shall be four judges of the superior court.

CHAPTER 1153

An act to amend Section 10004 of the Elections Code, relating to voting supplies, and making an appropriation therefor.

[Approved by Governor September 15, 1970. Filed with Secretary of State September 15, 1970.]

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

SECTION 1. Section 10004 of the Elections Code is amended to read:

10004. The revolving fund for the purchase of ballot paper and punchcards in the amount of one hundred ten thousand dollars ($110,000), created by Chapter 545 of the Statutes of 1913, as amended, is continued in existence. The fund shall be used for the purchase of ballot paper and punchcards as provided in this chapter and shall be reimbursed by the receipts from the jurisdiction obtaining the ballot paper or punchcards in accordance with this chapter. The fund shall at all times be intact and represented either by cash in the State Treasury, ballot paper or punchcards in the custody of the Secretary of State, or accounts receivable representing ballot paper or punchcard sales.

SEC. 2. The sum of twenty thousand dollars ($20,000) is hereby appropriated from the General Fund to be transferred to the Ballot Paper Revolving Fund on order of the State Controller.

CHAPTER 1154

An act to amend Section 54790 of the Government Code, to amend Sections 33021 and 33392 of, to add Section 33298 to, and to add Article 4 (commencing with Section 33250) to Chapter 3 of Part 1 of Division 24 of, the Health and Safety Code, relating to urban development.

[Approved by Governor September 15, 1970. Filed with Secretary of State September 15, 1970.]

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

SECTION 1. Section 54790 of the Government Code is amended to read:

54790. The commission shall have the following powers and duties, subject to the limitations upon its jurisdiction herein set forth:

(a) To review and approve or disapprove with or without amendment, wholly, partially or conditionally proposals for:

(1) The incorporation of cities;

(2) The formation of special districts, and

(3) The annexation of territory to local agencies, (other than local agencies the annexation of territory to which is required to be made pursuant to the provisions of Division 1 (commencing with Section 56000) of Title 6 of this code); provided that a commission shall not impose any conditions which would regulate land use or subdivision requirements.

(4) The exclusion of territory from a city.

(5) The disincorporation of a city.

(6) The development of new communities within the jurisdiction of the commission pursuant to Sections 33021 and 33298 of the Health and Safety Code.

(b) To adopt standards and procedures for the evaluation of proposals.

(c) To make and enforce rules and regulations for the orderly and fair conduct of hearings by the commission.

(d) To incur usual and necessary expenses for the accomplishment of its functions.

(e) To appoint and assign staff personnel and to employ or contract for professional or consulting services to carry out and effect the functions of the commission.

(f) To review the boundaries of the territory involved in any proposal with respect to the definiteness and certainty thereof, the nonconformance of proposed boundaries with lines of assessment or ownership, and other similar matters affecting the proposed boundaries.

(g) To waive the restrictions of Section 34312 and of subdivision (1) of Section 35002.3, and Sections 35158 and 35326 if it finds that the application of the restrictions would be detrimental to the orderly development of the community and that the area that would be enclosed by the annexation or incorporation is so located that it cannot reasonably be annexed to another city or incorporated as a new city.

SEC. 2. Section 33021 of the Health and Safety Code is amended to read:

33021. Redevelopment includes:

(a) The alteration, improvement, modernization, reconstruction, or rehabilitation, or any combination of these, of existing structures in a project area.

(b) Provision for open-space types of use, such as streets and other public grounds and space around buildings, and public or private buildings, structures and improvements, and improvements of public or private recreation areas and other public grounds.

(c) The replanning or redesign or original development of undeveloped areas as to which either of the following conditions exist.

(1) The areas are stagnant or improperly utilized because of defective or inadequate street layout, faulty lot layout in relation to size, shape, accessibility, or usefulness, or for other causes.

(2) The areas require replanning and land assembly for reclamation or development in the interest of the general welfare because of widely scattered ownership, tax delinquency, or other reasons.

(3) The areas require land assembly for the purpose of the development of a "new community" within the meaning of the Federal New Communities Act of 1968.

SEC. 3. Section 33392 of the Health and Safety Code is amended to read:

33392. Notwithstanding any other provision of this part, an agency with the approval of the legislative body of the community may acquire, by negotiation or other means, real property in a project area at any time after formulation of the preliminary plan for such area by the planning commission, and prior to the adoption of the redevelopment plan by the legislative body of the community, provided, however, an agency may not exercise the power of eminent domain in connection with such acquisition prior to adoption of the redevelopment plan. In the case of development under paragraph (3) of subdivision (c) of Section 33021, an agency may not exercise any powers pursuant to Section 33391, prior to adoption of the redevelopment plan by the legislative body.

SEC. 4. Article 4 (commencing with Section 33250) is added to Chapter 3 of Part 1 of Division 24 of the Health and Safety Code, to read:

Article 4. New Community Development

33250. The Legislature hereby finds and declares that there exist in areas of this state residential, nonresidential, commercial, industrial or vacant areas, and combinations thereof, which are slum or blighted, or which are becoming slum or blighted areas because of substandard, insanitary, deteriorated or deteriorating conditions, including obsolete and dilapidated buildings and structures, defective construction, outmoded design, lack of proper sanitary facilities, inadequate fire or safety protection, excessive land coverage, insufficient light and ventilation, excessive population density, illegal uses and conversions, inadequate maintenance, obsolete systems of utilities, poorly or improperly designed street patterns and intersections, inadequate access to areas, or unsuitable topography, subsoil or other physical conditions, all of which hamper or impede proper and economic development of such areas and which impair or arrest the sound growth of the area, community or municipality, and the state as a whole.

The Legislature further finds and declares that there is a serious need throughout the state for adequate educational, recreational, cultural and other community facilities, the lack of which threatens and adversely affects the health, safety, morals and welfare of the people of this state.

It further finds and declares that there continues to exist throughout the state a seriously inadequate supply of safe and sanitary dwelling accommodations for persons and families of low income. This condition is contrary to the public interest and threatens the health, safety, welfare, comfort and security of the people of this state. The ordinary operations of private enterprise cannot provide an adequate supply of safe and sanitary dwelling accommodations at prices or rentals which persons and families of low income can afford.

33251. It is hereby declared to be the policy of this state to promote the sound growth and development of urban areas and new communities through the correction of sub-

standard, insanitary, blighted, deteriorating conditions, by the clearance, replanning, reconstruction, redevelopment, rehabilitation, restoration, conservation or proper planning of such areas and of areas reasonably accessible thereto and by the undertaking of public and private improvement programs relating thereto.

33252. The department is authorized to accept federal grants that are made under the New Communities Act of 1968 for the purpose of developing new communities in California.

33253. The department may serve as the redevelopment agency with respect to redevelopment within the meaning of paragraph (3) of subdivision (c) of Section 33021 if appointed for this purpose by ordinance of the legislative body of the community undertaking new community development. In serving as a redevelopment agency for such purposes the department shall be vested with all the powers of, and be subject to all the restrictions imposed upon, such agencies by this division.

33254. All expenses incurred by the department in serving as a redevelopment agency pursuant to Section 33253 shall not constitute a charge against the state but shall be paid by the appointing legislative body or reimbursed from federal funds made available for such purpose.

SEC. 5. Section 33298 is added to the Health and Safety Code, to read:

33298. In the case of development under paragraph (3) of subdivision (c) of Section 33021 of an area not within an incorporated city, approval of the local agency formation commission having jurisdiction over the project area shall be obtained prior to preparation of the redevelopment plan.

CHAPTER 1155

An act to amend Section 13411 of the Education Code, relating to certificated public school employees.

[Approved by Governor September 15, 1970. Filed with Secretary of State September 15, 1970.]

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

SECTION 1. Section 13411 of the Education Code is amended to read:

13411. (a) Any certificated employee may be suspended or transferred to other duties by the governing board if the board has reasonable cause to believe that the employee is suffering from mental illness of such a degree as to render him incompetent to perform his duties.

(b) The governing board shall forthwith, upon any suspension or transfer hereunder, give to the employee a written statement of the facts giving rise to the board's belief, and an

opportunity to appear before the board within 10 days to explain or refute the charges.

(c) If, after the employee's appearance before the board, the board decides to continue the suspension or transfer, or if the employee chooses not to appear before the board, the employee shall then be offered, in writing, the opportunity of being examined by a panel of three psychiatrists selected by him from a list of psychiatrists to be provided by the board. To assist the panel in making their determination, the governing board shall supply to the panel, prior to the date scheduled for the psychiatric examination, a list of the duties of the position from which the employee was suspended or transferred. The employee shall continue to receive his regular salary and all other benefits of employment during the period dating from his suspension to the filing of the report of the panel with the governing board.

(d) The psychiatric examination shall be conducted at school district expense within 15 days of any suspension or transfer ordered hereunder. The employee shall submit to the examination, but shall be entitled to be represented by a psychiatrist or physician of his own choice, and any report of the psychiatrist or physician selected by him shall be filed with the panel at the request of the employee.

A written report of the panel on the examination of the suspended or transferred employee shall be submitted to the governing board within 10 days after completion of the examination. A copy shall be supplied to the employee upon request. The report shall contain a finding on whether the employee is suffering from mental illness of such a degree as to render him incompetent to perform his duties.

(e) If a majority of the panel conclude that the employee should be permitted to return to his duties, no written record of the suspension or of the determination of the panel shall be retained, and in all respects any written record concerning the employee shall appear as it did before the suspension was made.

(f) If a majority of the panel find in their report that the employee is suffering from mental illness of such a degree as to render him incompetent to perform his duties, the governing board may, upon receipt of the report, place the employee on mandatory sick leave of absence. Any mandatory sick leave of absence imposed under this section shall not exceed two years, during which period the employee shall be entitled to sick leave, hospital and medical benefits which he accrued during his employment by the governing board but only to the extent of such accrual.

(g) Any employee placed on mandatory sick leave of absence pursuant to this section may in writing immediately demand a hearing. Thereupon the governing board shall file a complaint in the superior court of the county in which the school district or the major part thereof is located, setting forth the charges against the employee and asking that the

court inquire into the charges and determine whether or not the charges are true, and if true, whether they constitute sufficient grounds for placing the employee on mandatory sick leave of absence, and for a judgment pursuant to its findings.

(h) If the court finds that the employee was not at the time of the suspension incompetent to perform his assigned duties and should not have been placed on mandatory sick leave of absence, the employee shall be immediately reinstated to the same or a substantially similar position with full back salary, and any written record of the suspension or transfer or any report of the panel shall be destroyed.

(i) If the court confirms the placing of the employee on mandatory sick leave, or if the employee does not seek a hearing, then upon written request of the employee made not earlier than six months nor later than two years after the date he was placed on mandatory sick leave of absence, a new panel of three psychiatrists shall be convened by, and at the expense of, the governing board to review its original conclusion. If the original conclusion is not changed by the new panel as a result of such review, the employee shall be continued on the mandatory sick leave of absence except that when the employee's total period of absence exceeds two years, the governing board shall either rescind its action and reinstate the employee to the same or a substantially similar position, or shall serve the employee with a notice of intention to dismiss him, and proceed according to Section 13412.

(j) If a majority of the new panel concludes in its report, or any subsequent review thereof, that the suspended employee or employee on mandatory sick leave of absence should be permitted to return to his duties, or if the court so concludes, the governing board shall take immediate action to restore the employee to the position from which he was suspended or transferred or to a substantially similar position.

(k) Every hearing and action by or before the governing board pursuant to this section shall be in executive session, and no decision, action, or occurrence therein shall be made public, unless the employee so requests in writing.

(*l*) Nothing in this section shall be construed to supersede Section 13443.

CHAPTER 1156

An act to amend Sections 128, 711, 712, 980, 980.5, 1027, 1030.5, 1263, 1562, 3503, 3504, 3505, 3552, 3652, and 3751 of, to add Part 4 (commencing with Section 4001) to Division 1 of, and to repeal Section 714 of, the Unemployment Insurance Code, relating to unemployment insurance.

[Approved by Governor September 15, 1970. Filed with Secretary of State September 15, 1970.]

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

SECTION 1. Section 128 of the Unemployment Insurance Code is amended to read:

128. "Benefits" means the money payments payable to an individual, pursuant to this division, with respect to his unemployment and includes unemployment compensation benefits, federal-state extended benefits, or extended duration benefits, or disability benefits, or all of them.

SEC. 2. Section 711 of the Unemployment Insurance Code is amended to read:

711. (a) As used in this section "nonprofit organization" means any corporation, community chest, fund or foundation, organized and operated exclusively for religious, charitable, scientific, testing for public safety, 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, no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation, which does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office and which is exempt from income tax under Section 501(a) of the Internal Revenue Code of 1954.

(b) If at any time the Secretary of Labor certifies that Sections 711 through 713, inclusive, are in conformity with the provisions of Title III of the Social Security Act and the provisions of the Federal Unemployment Tax Act, a nonprofit organization may, when requested by a written petition signed by a majority of its employees to be covered by the election, elect to become an employer subject to this division for not less than two calendar years with respect to all of its employees who are covered by the election, and may file its written election with the director. If the director finds that a majority of the employees to be covered by the election to become an employer have signed the petition, the nonprofit organization shall, upon the written approval of the director, become an employer subject to this division to the same extent as other employers, and services performed by its employees covered by the election, shall constitute employment subject to this division. Beginning at that time it shall withhold from the wages of employees covered by the election the contributions required for unemployment compensation disability benefits. A nonprofit organization may exclude from coverage under an election pursuant to this section any of the following service:

(1) Service performed in any calendar quarter in the employ of any such nonprofit organization exempt from federal income tax if the remuneration for such service is less than fifty dollars ($50).

(2) Service performed in the employ of a school, college, or university, if such service is performed by a student who is enrolled and is regularly attending classes at such school, college, or university.

(3) Service performed as a student nurse in the employ of a hospital or a nurses' training school by an individual who is enrolled and is regularly attending classes in a nurses' training school chartered or approved pursuant to state law.

(4) Service performed as an intern in the employ of a hospital by an individual who has completed a four years' course in a medical school chartered or approved pursuant to state law.

(5) Service performed by an individual as a duly ordained priest, clergyman, rabbi, rector, vicar, pastor, or minister of religion, or by a practitioner who heals the sick by prayer in the practice of religion, or by a reader whose duty it is to conduct regular religious services of a religious organization, or by a member of a religious order in the exercise of duties required by the order, or by any other individual performing service in the practice of religion by designation of the governing body of a religious organization and subject to discipline by, including removal by, such governing body.

(6) Service performed as a professor, associate professor, lecturer, graduate assistant or research assistant, teacher, instructor, vocational instructor, counselor, activities adviser, dean of a college, dean, associate dean, laboratory technician, librarian, president, vice president, registrar or other member of the faculty or teaching or administrative staff performing similar service to these categories.

(7) Service performed in the employ of a state college auxiliary organization which is exempt under Section 501(c)(3) of the Internal Revenue Code and which is operated exclusively for charitable, scientific or educational purposes, if such service is performed by a student who is enrolled and is regularly attending classes at such state college.

(c) In lieu of the contributions required of employers, each nonprofit organization that has elected coverage under this section may elect any one of the following:

(1) To pay into the Unemployment Fund in the State Treasury at the times and in the manner provided in subdivision (e) of this section, an amount equal to the additional cost to the Unemployment Fund of the benefits (including extended duration benefits and federal-state extended benefits) paid based on base period wages with respect to employment for the nonprofit organization. Benefits otherwise payable irrespective of this section shall be charged to employers' accounts in accordance with other sections of this division, but the additional cost to the Unemployment Fund of the benefits paid based on base period wages with respect to employment for a nonprofit organization pursuant to this section shall be borne solely by the appropriate nonprofit organization. If benefits are based on wages paid during a base period by two

or more nonprofit organizations, the benefits shall be borne by each of the nonprofit organizations in the proportion that the total wages paid to the individual in employment by each nonprofit organization during the base period bears to the total wages paid to the individual in employment by all nonprofit organizations during the base period "Total wages paid" as used in this subdivision include taxable wages as well as wages which would be taxable except for the limitation on taxable wages provided under Section 930. The director may by authorized regulations prescribe a method of providing a good and sufficient bond to guarantee payment of contributions.

(2) To pay into the Unemployment Fund the cost of benefits (including extended duration benefits and federal-state extended benefits) paid based on base period wages with respect to employment for the nonprofit organization and charged to its account in the manner provided by Section 1026, pursuant to authorized regulations which shall prescribe the rate or amount, time, manner, and method of payment or advance payment or providing a good and sufficient bond to guarantee payment of contributions.

(3) Two or more nonprofit organizations that have elected coverage under this section may, pursuant to authorized regulations, file an application with the director for the establishment of a joint account for the purpose of determining the rate of contributions they shall pay into the Unemployment Fund to reimburse the fund for benefits paid with respect to employment for such nonprofit organizations. The members of the joint account may elect either to share the additional cost to the Unemployment Fund of the benefits (including extended duration benefits and federal-state extended benefits) paid based on base period wages with respect to employment for such members, or to share the cost of benefits (including extended duration benefits and federal-state extended benefits) paid based on base period wages with respect to employment for such members and charged to the joint account in the manner provided by Section 1026. The director shall prescribe authorized regulations for the establishment, maintenance, and dissolution of joint accounts, and for the rate or amount, time, manner, and method of payment or advance payment or providing a good and sufficient bond to guarantee payment of contributions by the members of joint accounts, on an additional cost basis and on the alternative basis of the cost of benefits charged in the manner provided by Section 1026.

(d) Sections 1030, 1030.5, 1031, 1032, and 1032.5 shall not apply to any election pursuant to subdivision (c) of this section.

(e) In making the payments prescribed by subdivision (c) (1) of this section, and by subdivision (c)(3) of this section for a joint account on an additional cost basis, there shall be paid or credited to the Unemployment Fund, either in advance or by way of reimbursement, as may be determined by the di-

rector, such sums as he estimates the Unemployment Fund will be entitled to receive from each nonprofit organization on an additional cost basis under this section for each calendar quarter, reduced or increased by any sum by which he finds that his estimates for any prior calendar quarter were greater or less than the amounts which should have been paid to the fund. Such estimates may be made upon the basis of such statistical sampling, or other method as may be determined by the director.

Upon making such determination, the director shall certify to the nonprofit organization the amount determined with respect to it. The contributions due from the nonprofit organization shall be paid to the Unemployment Fund by the nonprofit organization.

(f) The director may terminate the election of any nonprofit organization for any method of financing under subdivision (c) of this section if the nonprofit organization is delinquent in the payment of advances or reimbursements required by the director under this section.

(g) Notwithstanding any other provision of this article, no nonprofit organization or governmental entity shall be liable for that portion of any extended duration benefits or federal-state extended benefits which is reimbursed or reimbursable by the federal government to the State of California.

(h) After the termination of any election under this section, nonprofit organizations shall remain liable for their proportionate share of the additional cost of benefits paid, or of the cost of benefits paid and charged to their accounts in the manner provided by Section 1026, which are based on wages paid for services during the period of the election.

(i) Except as inconsistent with the provisions of this section, the provisions of this division and authorized regulations shall apply to any matter arising pursuant to this section.

SEC. 3. Section 712 of the Unemployment Insurance Code is amended to read:

712. To the extent permitted by federal law, no contributions shall be due from any nonprofit organization which has elected to become subject to and elected a method of financing under Section 711 and which previously has made contributions required of employers pursuant to an elective coverage agreement within the five years prior to the effective date of Section 711, until the additional cost of benefits reimbursable by or the cost of benefits paid and reimbursable by the nonprofit organization under Section 711 together with the benefits charged to the reserve account of the nonprofit organization during the preceding five years as the result of its prior elective coverage agreement exceed the contributions made by the nonprofit organization during the preceding five years and credited to its reserve account pursuant to its prior elective coverage agreement.

SEC. 4. Section 714 of the Unemployment Insurance Code is repealed.

SEC. 5. Section 980 of the Unemployment Insurance Code is amended to read:

980. (a) In determining the balance in the Unemployment Fund for the purpose of Section 977 or 978, or in determining the total revenues for the purpose of Section 930, there shall be excluded:

(1) Any amount credited to this state's account in the Unemployment Trust Fund pursuant to Section 903 of the Social Security Act, as amended, which has been appropriated for expenses of administration other than for capital assets, whether or not such amount has been withdrawn from such fund.

(2) Any unexpended advance from the federal unemployment account in the Unemployment Trust Fund received in accordance with Section 323 of this division and Title XII of the Social Security Act as amended.

(3) Any amount paid in advance into the Unemployment Fund by an employer under an elective coverage agreement which provides for the payment into the Unemployment Fund of the additional cost of benefits paid under such election in lieu of the contributions required of employers, or by an employer under any other type of coverage pursuant to which reimbursement of benefits is permitted or required in lieu of the contributions required of employers.

(4) Any amount paid in advance into the Unemployment Fund by the federal government under the provisions of any federal law that requires or permits this state to pay benefits from the Unemployment Fund and provides for advances by the federal government for reimbursement of all or part of such benefits.

(b) In determining the balance in the Unemployment Fund for the purpose of Section 977 or 978, there shall also be excluded any estimated or other contributions not legally due and payable with respect to the final calendar quarter of the calendar year, except any payment of contributions made under Section 1137 and except any payment of contributions by employers terminating business during any calendar quarter.

(c) In determining the total revenues for the purpose of Section 930, there shall also be excluded any estimated or other contributions not legally due and payable with respect to the final calendar quarter for the 12-month period ending on the computation date preceding January 1 of the calendar year, except any payment of contributions made under Section 1137 and except any payment of contributions by employers terminating business during any calendar quarter.

SEC. 6. Section 980.5 of the Unemployment Insurance Code is amended to read:

980.5. In determining the balance in the Unemployment Fund for the purpose of Section 977 or 978 there shall be in-

cluded, or in determining the total disbursements for the purpose of Section 930 there shall be excluded:

(a) The unreimbursed balance of all benefits paid from the Unemployment Fund to claimants when such benefits are based upon wages in employment under an elective coverage agreement which provides for the payment into the Unemployment Fund of the additional cost of benefits paid under such election in lieu of the contributions required of employers, or under any other type of coverage pursuant to which reimbursement of benefits is permitted or required in lieu of the contributions required of employers, whether or not the director has certified such benefits to the employer as due or payable.

(b) The unreimbursed balance of all benefits paid from the Unemployment Fund to claimants when and to the extent that such benefits are subject to reimbursement by the federal government under the provisions of any federal law that requires or permits this state to pay benefits from the Unemployment Fund and provides for reimbursement by the federal government of all or part of such benefits.

SEC. 7. Section 1027 of the Unemployment Insurance Code is amended to read:

1027. The director shall maintain a balancing account.

(a) Except as provided by Section 711, the balancing account shall be credited with:

(1) Contributions paid pursuant to Section 976.5.

(2) Positive balances in reserve accounts canceled pursuant to Section 1029.

(3) Other items of income not included in active employer reserve accounts.

(b) Except as provided by Section 711, the balancing account shall be charged with:

(1) The amount of negative reserve balances accrued to the computation date for each year.

(2) Benefit payments not charged pursuant to Section 1032.

(3) Extended duration benefits paid pursuant to Part 3 (commencing with Section 3501) of this division, but only to the extent that such extended duration benefits are not reimbursed or reimbursable by the federal government to the State of California.

(4) Federal-state extended benefits paid pursuant to Part 4 (commencing with Section 4001) of this division, but only to the extent that such federal-state extended benefits are not reimbursed or reimbursable by the federal government to the State of California.

(5) Other items of expense not included in active employer reserve accounts.

SEC. 8. Section 1030.5 of the Unemployment Insurance Code is amended to read:

1030.5. If the director finds that any employer or any employee, officer, or agent of any employer, in submitting facts pursuant to Section 1030, 3701, or 4701, willfully

makes a false statement or representation or willfully fails to report a material fact concerning the termination of a claimant's employment, the director shall make a determination thereon charging the employer's reserve account not less than two nor more than 10 times the weekly benefit amount of such benefit amount of such claimant. The director shall give notice to the employer of a determination under this section. Appeals may be taken from said determinations in the same manner as appeals from determinations on benefit claims.

SEC. 9. Section 1263 of the Unemployment Insurance Code is amended to read:

1263. (a) Any individual convicted under Section 2101 by any court of competent jurisdiction of willfully making a false statement or knowingly failing to disclose a material fact to obtain or increase any benefit or payment under this division shall forfeit any rights to benefits for the week in which the criminal complaint was filed and for the fifty-one (51) consecutive calendar weeks which immediately follow such week, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such individual to withdraw his plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty or dismissing the criminal complaint, but a forfeiture of benefits under this subdivision shall extend no later than the effective date of any such order under Section 1203.4 of the Penal Code, and, if the period of forfeiture has not previously expired, the forfeiture of benefits under this subdivision shall terminate as of the effective date of any such order.

(b) Any individual convicted under Section 2101 by any court of competent jurisdiction of willfully making a false statement or knowingly failing to disclose a material fact to obtain or increase any benefit or payment under this part, Part 3 (commencing with Section 3501), or Part 4 (commencing with Section 4001) shall, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such individual to withdraw his plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty or dismissing the criminal complaint, be ineligible to receive unemployment compensation or extended duration benefits or federal-state extended benefits for the week in which the criminal complaint was filed, or any subsequent week, for which he is first otherwise in all respects eligible for unemployment compensation or extended duration benefits or federal-state extended benefits and for nine subsequent weeks for which he is otherwise in all respects eligible for unemployment compensation or extended duration benefits or federal-state extended benefits. No disqualification under this subdivision shall be applied to any week if all or any portion of the week is beyond the three-year period next succeeding the date of the filing of the criminal complaint.

(c) The department shall, effective upon the date of the filing of a criminal complaint against an individual prosecuted

under Section 2101, suspend the payment of benefits to the individual.

(d) A plea or verdict of guilty irrespective of whether an order granting probation or other order is made suspending the imposition of the sentence or whether sentence is imposed but execution thereof is suspended, or a conviction following a plea of nolo contendere, made to a charge of an offense under Section 2101 is deemed to be a conviction within the meaning of this section.

(e) Notwithstanding the provisions of this section, an individual may during a period of forfeiture under subdivision (a) of this section meet the conditions to remove any disqualification that is imposed under Sections 1260 or 1261, or subdivision (b) of this section, but no week during the period of forfeiture shall be used to offset the amount of any overpayment.

SEC. 10. Section 1562 of the Unemployment Insurance Code is amended to read:

1562. This state recognizes its obligations to replace, and pledges the faith of this state that funds will be provided in the future, and applied to the replacement of, any money received after July 1, 1941, from the federal government under Title 3 of the Social Security Act, any unencumbered balances in the Unemployment Administration Fund as of that date and any money thereafter granted to this state pursuant to the provisions of the Wagner-Peyser Act, which the Secretary of Labor finds have, because of any action or contingency, been lost or expended for purposes other than, or in amounts in excess of, those found necessary by the Secretary of Labor for the proper administration of this part and Parts 3 (commencing with Section 3501) and 4 (commencing with Section 4001) of this division. Such money shall be replaced within a reasonable time by money appropriated by the Legislature from the general funds of this state to the Unemployment Administration Fund. The director shall report to the Director of Finance, in the same manner as is provided generally for the submission of financial requirements for the ensuing year, and the Governor shall include in his budget report to the next regular session of the Legislature, the amount required for such replacement.

SEC. 11. Section 3503 of the Unemployment Insurance Code is amended to read:

3503. For the purposes of this part:

(a) "Extended duration benefits" means the extended unemployment compensation benefits payable under this part.

(b) "Normal benefits" means the unemployment compensation benefits payable under Part 1 (commencing with Section 100) of this division.

(c) "Exhaustee" means an individual who is not entitled to normal benefits due to either of the following:

(1) He has an unexpired benefit year and has exhausted his normal benefits.

(2) His most recent benefit year expired in the extended duration week in which he files a primary claim or in the immediately preceding 13 calendar weeks and he is not entitled to establish a benefit year.

(d) "Extension ratio" means the ratio for a calendar week computed during the week immediately preceding that calendar week by dividing:

(1) The average number of weeks of unemployment claimed in California per week during the 13 calendar weeks immediately preceding the date of the computation, excluding weeks of unemployment claims in connection with unemployment compensation programs which are exclusively federal except that weeks of unemployment claimed on or after November 29, 1970, under the Federal-State Extended Unemployment Compensation Act of 1970 in an "extended benefit period" under that federal act shall be included if California employers were subject to any charges with respect to the most recent claim for normal benefits; by

(2) The average midmonthly covered employment reported by employers for the last four completed calendar quarters immediately preceding the date of the computation for which an official tabulation has been completed by the department on or before the 10th day of the month preceding the first month which contains any day of the week for which the computation is made.

(e) "Extended duration week" means a calendar week for which the extended ratio equals or exceeds 0.06.

(f) "Primary claim" means the first claim for extended duration benefits filed by an exhaustee with an effective date within an extended duration week for the purpose of establishing an extended duration award and an extended duration period.

(g) "Extended duration award" means the maximum amount of extended duration benefits allowable under this part to an eligible exhaustee.

(h) "Extended duration period" means a period beginning with the first day of the week with respect to which an exhaustee files a valid primary claim and ending with the last week which begins on or before the last day of the fifth calendar month following the calendar month which contains the extended duration week or a major portion of the extended duration week in which the valid primary claim was filed.

(i) "Parent benefit year" means the benefit year with respect to which an individual becomes an exhaustee.

(j) "Federal act" means the "Federal-State Extended Unemployment Compensation Act of 1970".

SEC. 12. Section 3504 of the Unemployment Insurance Code is amended to read:

3504. The director shall during the week immediately preceding each calendar week compute the extension ratio for

that calendar week and shall file his computation with the Secretary of State.

SEC. 13. Section 3505 of the Unemployment Insurance Code is amended to read:

3505. (a) Notwithstanding any other provision of this part, no payment of extended duration benefits shall be made to any individual for any week or part of any week with respect to which he is entitled to receive unemployment compensation benefits as a result of participation by this state pursuant to the provision of any federal law providing for the payment of such benefits or as a result of the application in any other manner to this state of any federal law providing for the payment of such benefits.

(b) With respect to weeks commencing on or after November 29, 1970, this subdivision shall apply and subdivision (a) of this section shall not apply to benefits under the "Federal-State Extended Unemployment Compensation Act of 1970".

(1) Notwithstanding any other provision of this part, if an individual would have rights to receive benefits under the federal act within an "extended benefit period" under the federal act, the director shall cancel such individual's rights to extended duration benefits within that "extended benefit period".

(2) A cancellation under this section does not affect extended duration benefits paid with respect to a week preceding such cancellation.

(3) Notwithstanding a cancellation under this section, an individual otherwise qualified for extended duration benefits during an "extended benefit period" under the federal act, may, upon the expiration of his "eligibility period" specified by the federal act, establish rights to, and be paid, extended duration benefits subject to the following conditions:

(A) If the individual has filed a primary claim in the "extended benefit period", under the federal act, he may reestablish his extended duration benefit rights, if the extended duration period would not have expired.

(B) If the individual has not filed a primary claim in the "extended benefit period", under the federal act, and he has claimed benefits pursuant to the federal act during an extended duration week in such "extended benefit period", he may file a primary claim effective with that extended duration week, if the extended duration period would not have expired.

(C) If the individual has not filed a primary claim in the "extended benefit period", under the federal act, and he has claimed benefits pursuant to the federal act but not during an extended duration week in such "extended benefit period", he may file a primary claim in an extended duration week.

(D) The individual shall not be paid extended duration benefits for any week for which he receives federal benefits.

(4) An individual may be paid extended duration benefits with respect to a parent benefit year only to the extent that the total amount of such extended duration benefits and bene-

fits paid under the federal act since the beginning of such parent benefit year does not exceed 13 times his weekly benefit amount or one-half of the maximum amount of normal benefits payable to him during that parent benefit year, whichever is the lesser.

SEC. 14. Section 3552 of the Unemployment Insurance Code is amended to read:

3552. An unemployed individual is eligible to receive extended duration benefits with respect to any week only if the director finds that:

(a) An extended duration award has been established for him.

(b) The week is:

(1) Within the extended duration period of the award; and

(2) An extended duration week, except that this paragraph (2) shall not apply to the eight consecutive calendar weeks immediately following the extended duration week in which the individual files his primary claim.

(c) He meets the eligibility requirements of Part 1 (commencing with Section 100) of this division, except those excluded under subdivision (b) of Section 3502.

(d) He is not subject to disqualification, and is not under disqualification for normal benefits, under any provision of Part 1 (commencing with Section 100) of this division.

(e) He has (i) during his base period been paid wages for employment by employers of not less than 40 times his weekly benefit amount, or (ii) during his base period been paid such wages of not less than 30 times his weekly benefit amount and in the four quarters immediately preceding the beginning of that base period been paid such wages of not less than 40 times his weekly benefit amount, or (iii) during the period subsequent to the end of his base period and prior to the effective date of a valid primary claim for extended duration benefits been paid such wages of not less than 40 times his weekly benefit amount.

For the purpose of this third alternative only the term "wages" includes any and all compensation for personal services performed as an employee for the purposes of meeting this eligibility requirement.

The requirements of this subdivision (e) shall not apply if the effective date of a valid primary claim is within an extended duration week for which the extension ratio is 115 percent or more of the average of the extension ratios for the corresponding week in each of the preceding two calendar years. Any wages included in a determination of eligibility for extended duration benefits shall not be used in a subsequent determination of eligibility for such benefits.

For the purpose of this section "wages" includes wages due to an individual but unpaid within the time limit provided by law.

SEC. 15. Section 3652 of the Unemployment Insurance Code is amended to read:

3652. An exhaustee who desires to claim extended duration benefits shall file a valid primary claim. A primary claim for extended duration benefits shall be valid only if its effective date is within an extended duration week and the individual filing it is an unemployed exhaustee. For the purpose of determining whether a primary claim is a "valid primary claim" within the meaning of this section, an individual otherwise unemployed shall be deemed unemployed even though wages, as defined in Section 1252, which are for a period subsequent to the termination of performance of services are payable with respect to the week for which he files the claim.

SEC. 16. Section 3751 of the Unemployment Insurance Code is amended to read:

3751. The provisions of Article 4 (commencing with Section 1375) of Chapter 5 of Part 1 of, and of Article 5 (commencing with Section 2735) of Chapter 2 of Part 2 of, this division are modified in the following respects:

(a) In the absence of fraud, misrepresentation, or willful nondisclosure, the notice of overpayment of extended duration benefits shall be mailed or personally served not later than one year after the close of the extended duration period in which the overpayment was made.

(b) The director may offset an overpayment of extended duration benefits, or federal-state extended benefits, or unemployment compensation benefits, or disability benefits against any of such four types of benefits to which the liable person may become entitled under this division. The director may offset the amount of any such overpayments within any of the periods prescribed by subdivision (b) of Section 1379 or subdivision (b) of Section 2739, and further within the current extended duration period or current extended benefit period established under Part 4 (commencing with Section 4001) of this division or any extended benefit period or any extended duration period which begins during the three-year period next succeeding the date of the mailing or personal service of such notice of overpayment.

SEC. 17. Part 4 (commencing with Section 4001) is added to Division 1 of the Unemployment Insurance Code, to read:

PART 4. FEDERAL-STATE EXTENDED COMPENSATION

CHAPTER 1. GENERAL PROVISIONS

4001. The purpose of this part is to provide that payment of extended compensation, in accordance with the "Federal-State Extended Unemployment Compensation Act of 1970", shall be made, for any week of unemployment which begins in the individual's eligibility period, to individuals who have exhausted all rights to regular compensation under this division and who have no rights to regular compensation with respect to such week under this division or any other state unemploy-

ment compensation law or to compensation under any other federal law. For purposes of this section, an individual shall have exhausted his rights to regular compensation under any state law (A) when no payments of regular compensation can be made under such law because such individual has received all regular compensation available to him based on wage credits for his base period, or (B) when his rights to such compensation have terminated by reason of the expiration of the benefit year with respect to which such rights existed. Except where inconsistent with the provisions of the "Federal-State Extended Unemployment Compensation Act of 1970", the terms and conditions of this division which apply to claims for regular compensation and to the payment thereof shall apply to claims for extended compensation and to the payment thereof under such federal act. This part shall be operative on November 29, 1970, and extended compensation shall be payable as provided by the Federal-State Extended Unemployment Compensation Act of 1970, subject to limitations provided by that act, with respect to weeks of unemployment and extended benefit periods beginning after November 28, 1970.

4002. (a) Except as otherwise provided, the provisions and definitions of Part 1 (commencing with Section 100) of this division apply to this part. In case of any conflict between the provisions of Part 1 and the provisions of this part, the provisions of this part shall prevail with respect to federal-state extended benefits.

(b) Except as otherwise provided, subdivision (d) of Section 1253, and Sections 1030, 1032, 1254, 1277, 1281, 1327, 1328, 1329, 1330, and 1331 do not apply to this part.

(c) The provisions of Part 2 (commencing with Section 2601) of, and of Part 3 (commencing with Section 3501) of this division do not apply to this part.

4003. The provisions and definitions of terms in the "Federal-State Extended Unemployment Compensation Act of 1970" apply to this part. "Federal-state extended benefits" means benefits payable under this part.

4004. (a) The department shall establish, for each eligible individual who files an application therefor, an extended compensation account with respect to such individual's benefit year. The amount established in such account, subject to subdivision (b) of this section, shall be not less than whichever of the following is the least:

(1) Fifty per centum of the total amount of regular compensation payable to him during such benefit year under this division.

(2) Thirteen times his average weekly benefit amount.

(3) Thirty-nine times his average weekly benefit amount, reduced by the regular compensation paid to him during such benefit year under this division.

(b) The amount determined under subdivision (a) of this section shall be reduced by the aggregate amount of additional compensation paid to the individual under Part 3 (commenc-

ing with Section 3501) of this division for prior weeks of unemployment in such benefit year which did not begin in an extended benefit period.

(c) For purposes of subdivision (a) of this section, an individual's weekly benefit amount for a week is the amount of regular compensation under Part 1 (commencing with Section 100) of this division payable to such individual for such week for total unemployment.

CHAPTER 2. FEDERAL-STATE EXTENDED BENEFITS

Article 1. Eligibility and Disqualifications

4551. Federal-state extended benefits are payable from the Unemployment Fund to unemployed individuals who are eligible under this part.

4552. An unemployed individual is eligible to receive federal-state extended benefits with respect to any week only if the director finds that:

(a) An extended compensation account has been established for him.

(b) The week is within an extended benefit period and his eligibility period.

(c) He meets the eligibility requirements of Part 1 (commencing with Section 100) of this division, except those excluded under subdivision (b) of Section 4002.

(d) He is not subject to disqualification, and is not under disqualification for normal benefits, under any provision of Part 1 (commencing with Section 100) of this division.

Article 2. Computation (Amount and Duration)

4601. The computation of the amount and duration of federal-state extended benefits shall be in accordance with Section 4004.

Article 3. Filing, Determination, and Payment of Federal-State Extended Benefit Claims

4651. Claims for federal-state extended benefits shall be made as provided in this article.

4652. (a) An individual who desires to claim federal-state extended benefits shall file a valid application. An application for federal-state extended benefits shall be valid only if its effective date is within an extended benefit period and his eligibility period and the individual filing it otherwise meets the requirements of Section 4001. For the purpose of determining whether an application is a "valid application" within the meaning of this section, an individual otherwise unemployed shall be deemed unemployed even though wages, as defined in Section 1252, which are for a period subsequent to the termination of performance of services are payable with respect to the week for which he files the application.

4653. The effective date of a valid application shall be determined in the same manner as the effective date of a new claim for normal benefits pursuant to Section 1326.

4654. A notice of the filing of an application or an additional claim shall be given to the employing unit by which the individual was last employed immediately preceding the filing of such application or claim. The employing unit so notified shall submit within 10 days after the mailing of such notice any facts then known which may affect the individual's eligibility for federal-state extended benefits. The 10-day period may be extended for good cause. If after such 10-day period the employing unit acquires knowledge of facts which may affect the eligibility of the individual and such facts could not reasonably have been known within the period, the employing unit shall within 10 days of acquiring such knowledge submit such facts to the department.

4655. The facts submitted by an employer pursuant to Section 4654 shall be considered and a determination made as to the individual's eligibility for federal-state extended benefits. The individual and any employer who prior to the determination has submitted any facts pursuant to Section 4654 shall be promptly notified of the determination and the reasons therefor and may appeal therefrom to a referee within 10 days from mailing or personal service of notice of the determination. The 10-day period may be extended for good cause.

4656. Upon the filing of a valid application by an individual, a federal-state extended benefit award computation shall promptly be made, which shall set forth the maximum amount of federal-state extended benefits potentially payable during the extended benefit period, and the weekly benefit amount. The individual shall be promptly notified of the computation. He may, within 10 days after the mailing or personal service of the notice of computation, protest its accuracy. Any such protest shall be considered and a determination made as to the accuracy of the computation. The individual shall be promptly notified of the determination and may appeal therefrom in the manner provided in Section 4655.

Article 4. Reserve Accounts

4701. (a) Any employer who is entitled under Section 4654 to notice of the filing of an application or additional claim and who, within 10 days after mailing of such notice, submits to the department any facts within its possession disclosing whether the individual left the most recent employment with such employer voluntarily and without good cause or was discharged from such employment for misconduct connected with his work shall be entitled to a ruling as prescribed by this section.

(b) The department shall consider such facts together with any information in its possession and promptly issue to the employer its ruling as to the cause of the termination of the

individual's most recent employment. Appeals may be taken from said rulings in the manner provided in Section 4655.

(c) Rulings under this section shall have the effect prescribed by Section 1032.

4702. Federal-state extended benefits shall not be charged to any employer's account.

Article 5. Overpayments

4751. The provisions of Article 4 (commencing with Section 1375) of Chapter 5 of Part 1 of, and of Article 5 (commencing with Section 2735) of Chapter 2 of Part 2 of, this division are modified in the following respects:

(a) In the absence of fraud, misrepresentation, or willful nondisclosure, the notice of overpayment of federal-state extended benefits shall be mailed or personally served not later than one year after the close of the extended benefit period in which the overpayment was made.

(b) The director may offset an overpayment of extended duration benefits, or federal-state extended benefits, or unemployment compensation benefits, or disability benefits against any of such four types of benefits to which the liable person may become entitled under this division. The director may offset the amount of any such overpayments within any of the periods prescribed by subdivision (b) of Section 1379 or subdivision (b) of Section 2739, and further within the current extended duration period or current extended benefit period or any extended benefit period or extended duration period which begins during the three-year period next succeeding the date of the mailing or personal service of such notice of overpayment.

SEC. 18. No right or cause of action founded upon any provision of law amended or repealed by this act as the provision existed prior to such amendment or repeal shall be abolished or impaired by this act.

SEC. 19. The provisions of Sections 3503, 3504, 3552, and 3652 of the Unemployment Insurance Code as amended by this act shall apply to primary claims filed with an effective date beginning on or after the effective date of this act. The provisions of such sections of the Unemployment Insurance Code as in effect prior to the effective date of the amendments made by this act shall remain applicable to primary claims filed with an effective date beginning prior to the effective date of this act.

CHAPTER 1157

An act to add Sections 13602 and 13602.5 to, and to repeal Section 13602 of, the Education Code, relating to salaries of classified school employees.

[Approved by Governor September 15, 1970. Filed with Secretary of State September 15, 1970.]

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

SECTION 1. Section 13602 of the Education Code is repealed.

SEC. 2. Section 13602 is added to the Education Code, to read:

13602. (a) The governing board of any school district shall, not later than the date prescribed by law for approval of the publication budget of every year, fix the annual salaries for the ensuing school year for all persons employed by the district in positions not requiring certification qualifications. The governing board may, at the time, include an increase in such annual salaries, all or part of which increase is conditional upon the actual receipt by the district of anticipated revenue from all sources. If the revenue actually received is less than that anticipated, the governing board may, at any time during the school year, reduce such annual salaries by an amount not to exceed the amount which was granted subject to the receipt of such revenues.

(b) The governing board of a school district may, at any time during the school year, increase the salaries of persons employed by the district in positions not requiring certification qualifications for the remainder of the school year.

(c) A governing board may, at any time, increase the wages or salaries of classified employees if the board or, in a merit system district, the personnel commission approves a classification change in a position, a class of positions, or any or all of the positions or classes of positions a part of the classified service.

(d) The provisions of this section shall not be construed to permit a governing board to demote or dismiss an employee as a result of reclassification of a position or class of positions except as may otherwise be permitted by law.

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

SEC. 3. Section 13602.5 is added to the Education Code, to read:

13602.5. If the governing board of a school district cannot comply with the provisions of subdivision (a) of Section 13602 because it is engaged in a study, which was commenced prior to the commencement of the school year, to increase the salaries and wages of persons employed by such district in positions not requiring certification qualifications, the board may, by appropriate action taken prior to the final adoption of its budget, do either of the following:

(a) Adopt an interim salary schedule which shall be the same schedule as for the preceding year, except that increases may be granted at that time based upon increased cost-of-living indexes, and provide that the salaries and wages fixed as a result of the study shall be payable for the entire school year

to include the period thereof in which the study was conducted and final board action taken.

(b) Provide that the salaries and wages fixed as a result of the study shall be effective only for that portion of the school year, as determined by the board at the time it takes action after the study has been completed. "Portion of the school year," as used in this subdivision shall not be for any period of time less than the period of time remaining in the school year from the date the governing board adopts the salary schedule based on the study commenced prior to that school year.

CHAPTER 1158

An act to add Sections 5778.3 and 5778.5 to the Education Code, relating to reading instruction programs.

[Approved by Governor September 15, 1970. Filed with Secretary of State September 15, 1970.]

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

SECTION 1. Section 5778.3 is added to the Education Code, to read:

5778.3. As an alternative to the examination and nomination procedure provided for by Sections 5775, 5776, 5777, and 5778, certificated school district employees qualified under this section may be examined for possible selection as specialist teachers in reading by a specialist teacher selection committee. A specialist teacher selection committee may be appointed by the governing board of any school district which maintains elementary schools. It shall be comprised of five members, including one college or university authority in the field of reading instruction, three district or county office personnel knowledgeable in reading instruction and in areas of human relationships, and one district administrator or supervisor. The reasonable and necessary expenses of the members of the committee shall be paid by the school district establishing the committee. The committee shall conduct appropriate proceedings to inquire into the qualifications of nominees and make determinations concerning whether or not individual nominees are qualified for selection as specialists teachers in reading. Each nominee shall, in order to be selected as a specialist teacher in reading meet the following minimum requirements:

(a) Completed two years of successful teaching in the primary grades, kindergarten and grades 1 to 3, inclusive.

(b) Fully credentialed by the State of California to teach in the primary grades, kindergarten and grades 1 to 3, inclusive.

(c) Successfully completed the following college or university courses:

(1) A basic course in the teaching of elementary school reading.

(2) A basic course in the diagnosis and remediation of reading disabilities.

(3) A course in directed clinical practice in the remediation of reading disabilities. Such course may be concurrent with the first year as a specialist teacher in reading.

SEC. 2. Section 5778.5 is added to the Education Code, to read:

5778.5. Certificated school district employees nominated pursuant to Section 5778.3. shall forthwith be granted certificates entitling them to accept employment as specialist teachers in reading.

CHAPTER 1159

An act to amend Section 13412 of the Water Code, to add Section 16476 to the Public Utilities Code, and to amend Section 2 of Chapter 47 of the Statutes of 1966, First Extraordinary Session, Sections 2 and 25 of Chapter 137 of the Statutes of 1966, First Extraordinary Session, Section 3.5 of Chapter 1679 of the Statutes of 1967, and Section 4 of Chapter 1356 of the Statutes of 1969, relating to water pollution.

[Approved by Governor September 15, 1970. Filed with Secretary of State September 15, 1970.]

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

SECTION 1. Section 13412 of the Water Code is amended to read:

13412. No loan shall be made to a public agency unless it executes an agreement with the state board under which it agrees to repay the amount of the loan, with interest, within 25 years following, at the election of the state board and with the concurrence of the Director of Finance, a 10-year moratorium on principal and interest payments. Except as otherwise provided in this section, the interest shall be at a rate equal to the average, as determined by the state board, of the net interest costs to the state on the sales of general obligation bonds of the state that occurred during the period of five calendar years immediately preceding the year in which the loan agreement is executed. However, when the applicable average of the net interest costs to the state is not a multiple of one-tenth of 1 percent, the interest rate shall be at the multiple of one-tenth of 1 percent next above the applicable average of the net interest costs.

The interest rate applicable to any loan made pursuant to this chapter for which an application was filed prior to January 1, 1967, shall be at the rate of 2 percent.

SEC. 1.5. Section 16476 is added to the Public Utilities Code, to read:

16476. Notwithstanding subdivision (b) of Section 16475, the Board of Directors of the Tahoe City Public Utility District and the Board of Directors of the the South Tahoe

Public Utility District shall both have the authority, until July 1, 1975, to fix such water standby or immediate availability charges at not to exceed twenty dollars ($20) per acre or any parcel of less than one acre; provided that any funds derived from a charge in excess of the maximum amount authorized by subdivision (b) of Section 16475 shall only be used to pay for the acquisition of nonpublic domestic water supply systems in existence on July 1, 1970.

This section, applicable only to the Tahoe City Public Utility District and the South Tahoe Public Utility District, is necessary because of the unique and special water management problems of those areas of the Lake Tahoe Basin.

SEC. 2. Section 2 of Chapter 47 of the Statutes of 1966, First Extraordinary Session, is amended to read:

Sec. 2. No part of the appropriation made in Section 1 of this act shall be available for allocation to the South Tahoe Public Utility District unless it is to be used to finance the construction of facilities for the transportation of treated effluent out of the South Lake Tahoe Basin, and unless the South Tahoe Public Utility District executes an agreement with the board under which it agrees to repay the amount of the allocation, 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 period of five calendar years immediately preceding the year in which the loan agreement is executed. However, when the applicable average of the net interest costs to the state is not a multiple of one-tenth of 1 percent, the interest rate shall be at the multiple of one-tenth of 1 percent next above the applicable average of the net interest costs.

SEC. 3. Section 2 of Chapter 137 of the Statutes of 1966, First Extraordinary Session, is amended to read:

Sec. 2. No part of the appropriation made by this act shall be available for loans to the North Tahoe Public Utility District, the Tahoe City Public Utility District, or the Truckee Sanitary District unless:

(a) The North Tahoe Public Utility District, the Tahoe City Public Utility District, and the Truckee Sanitary District each execute an agreement with the State Water Quality Control Board under which each agrees to repay the amount of its loan, with interest, within 25 years following a 10-year moratorium on principal payments, and with the interest to be at a rate equal to the average, as determined by the board, of the net interest costs to the state on the sales of general obligation bonds of the state that occurred during the period of five calendar years immediately preceding the year in which the loan agreement is executed. However, when the applicable average of the net interest costs to the state is not a multiple of one-tenth of 1 percent, the interest rate shall be at the multiple

of one-tenth of 1 percent next above the applicable average of the net interest costs.

(b) The North Tahoe Public Utility District, the Tahoe City Public Utility District, and the Truckee Sanitary District have issued, or the voters of the districts have approved the issuance of, bonds in the aggregate amount, among the districts, of not less than one million four hundred thousand dollars ($1,400,000), to finance facilities to construct necessary sewage and storm drainage facilities to prevent and control water pollution in the area served by said districts.

(c) The North Tahoe Public Utility District or the Tahoe City Public Utility District has annexed the entire service area of the proposed facilities between the existing western boundary of the North Tahoe Public Utility District and the eastern boundary of the Tahoe City Public Utility District at Dollar Point.

SEC. 4. Section 2.5 of Chapter 137 of the Statutes of 1966, First Extraordinary Session, is amended to read:

Sec. 2.5. Notwithstanding the terms of any agreement executed pursuant to Section 2 of this act, and notwithstanding any other provision of law, at the election of the State Water Resources Control Board and with the concurrence of the Director of Finance, there shall be a moratorium on interest payments, if such a moratorium is requested by the North Tahoe Public Utility District, the Tahoe City Public Utility District, or the Truckee Sanitary District, until the end of the 10-year moratorium on principal payments, with respect to any loans to the North Tahoe Public Utility District, the Tahoe City Public Utility District, or the Truckee Sanitary District authorized pursuant to this act, but such accrued interest amounts, together with interest thereon at the same rate as on the loan, shall be paid in equal annual installments during the remainder of the loan repayment period following the 10-year moratorium on principal payments, or may be paid in such shorter period of time as may be selected by each or all such districts.

The provisions of any existing agreement may be amended to reflect the changes authorized by this section.

SEC. 5. Section 3.5 of Chapter 1679 of the Statutes of 1967 is amended to read:

Sec. 3.5. Notwithstanding the terms of any agreement executed pursuant to Section 2 of Chapter 47, Statutes of 1966, First Extraordinary Session, and notwithstanding any other provision of law, at the election of the State Water Resources Control Board and with the concurrence of the Director of Finance, there shall be a moratorium on interest payments, if such a moratorium is requested by the South Tahoe Public Utility District, from the effective date of this section until the end of the 10-year moratorium on principal payments, with respect to any loan to the South Tahoe Public Utility District for the purpose authorized by Chapter 47, Statutes of 1966, First Extraordinary Session, but such accrued interest

amounts, together with interest thereon at the same rate as on the loan, shall be paid in equal annual installments during the remainder of the loan repayment period following the 10-year moratorium on principal payments or may be paid in such shorter period of time as may be selected by the district.

The provisions of any existing agreement may be amended to reflect the changes authorized by this section.

SEC. 6. Section 4 of Chapter 1356 of the Statutes of 1969 is amended to read:

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, at the election of the state board and with the concurrence of the Director of Finance, a 10-year moratorium on principal and interest payments, 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 period of five calendar years immediately preceding the year in which the loan agreement is executed. However, when the applicable average of the net interest costs to the state is not a multiple of one-tenth of 1 percent, the interest rate shall be at the multiple of one-tenth of 1 percent next above the applicable average of the net interest costs.

SEC. 7. Notwithstanding the provisions of any existing agreements entered into pursuant to Section 13412 of the Water Code, Chapters 47 and 137 of the Statutes of 1966, First Extraordinary Session, and Chapter 1356 of the Statutes of 1969, such agreements shall be amended to reflect the changes made by this act as if the provisions of this act had been in effect at the time of the execution of the agreements.

CHAPTER 1160

An act to amend Section 12303 of, and to add Section 12304 to, the Vehicle Code, relating to the California Highway Patrol.

[Approved by Governor September 15, 1970 Filed with Secretary of State September 15, 1970]

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

SECTION 1. Section 12303 of the Vehicle Code is amended to read:

12303. Whenever a licensed installer in a licensed station, in conformity with the instructions of the commissioner installs, inspects, or repairs a motor vehicle pollution control device, and determines that the device conforms with the requirements of Chapter 4 (commencing with Section 39080) of Part

1 of Division 26 of the Health and Safety Code, and the rules and regulations of the State Air Resources Board, a certificate of compliance shall be issued to the owner or driver of the vehicle. The certificate of compliance shall contain provisions for the date of issuance, the make and registration number of the vehicle, the name of the owner of the vehicle, and the official designation of the station. It is unlawful for any person, other than a licensed installer in a licensed station, to sign or issue a certificate of compliance required by this chapter.

SEC. 2. Section 12304 is added to the Vehicle Code, to read:

12304. The commissioner may charge a fee for lamp and brake adjustment certificates and certificates of compliance furnished to licensed stations. The fee charged shall be established by regulation and shall not produce a total estimated revenue which, together with license fees charged pursuant to Sections 2502 and 2503, is in excess of the estimated total cost to the department of the administration of the statutes relating to lamp and brake adjusting stations and motor vehicle pollution control device installation and inspection stations.

CHAPTER 1161

An act to add Section 85 to the Streets and Highways Code, relating to the California Highway Commission.

[Approved by Governor September 15, 1970. Filed with Secretary of State September 15, 1970.]

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

SECTION 1. Section 85 is added to the Streets and Highways Code, to read:

85. In order to provide the commission with an independent evaluation of routing proposals as the commission may desire from time to time, the commission may contract with specialists, including, but not limited to, persons trained and experienced in engineering, economics, landscape and design architecture, fish and wildlife management, park and recreation management, history and sociology, agriculture, and urban and regional planning. The commission is authorized to expend any funds in the State Highway Fund to carry out the provisions of this section.

CHAPTER 1162

An act to add Section 27056 to the Education Code, relating to the State Library.

[Approved by Governor September 15, 1970. Filed with Secretary of State September 15, 1970.]

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

SECTION 1. Section 27056 is added to the Education Code, to read:

27056. The State Librarian may duplicate any braille book master, other than textbook masters, presented by any legally blind person directly to the State Librarian for duplication. The State Librarian may duplicate any braille book master, other than textbook masters, presented by any other person or agency directly to the State Librarian for duplication.

CHAPTER 1163

An act to amend Section 12808 of, and to add Chapter 6 (commencing with Section 41500) to Division 17 of the Vehicle Code, relating to traffic violations.

[Approved by Governor September 15, 1970. Filed with Secretary of State September 15, 1970.]

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

SECTION 1. Section 12808 of the Vehicle Code is amended to read:

12808. (a) The department shall, before issuing or renewing any license, check the record of the applicant for conviction of traffic violations and traffic accidents.

(b) The department shall, before issuing or renewing any license, check the record of the applicant for notices of failure to appear in court filed with it and shall withhold or shall not issue a license to any applicant who has violated his written promise to appear in court unless the department has received a certificate signed by the magistrate or clerk of the court hearing the case in which the promise was given showing that the case has been adjudicated or unless the applicant's record is cleared as provided in Chapter 6 (commencing with Section 41500) of Division 17. In lieu of the certificate of adjudication, a notice from the court stating that the original records have been lost or destroyed shall permit the department to issue a license.

(c) Any notice received by the department pursuant to Section 40509 of this code which has been on file five years may be removed from the department records and destroyed at the discretion of the department.

SEC. 2. Chapter 6 (commencing with Section 41500) is added to Division 17 of the Vehicle Code, to read:

CHAPTER 6. NONPROSECUTION OF VIOLATIONS

41500. (a) No person shall be subject to prosecution for any nonfelony offense arising out of the operation of a motor vehicle or violation of this code as a pedestrian which is pend-

ing against him at the time of his imprisonment in the state prison as a result of a conviction of a felony.

(b) Notwithstanding any other provisions of law to the contrary, no driver's license shall be suspended or revoked, nor shall the issuance or renewal of such license be refused as a result of a nonfelony offense occurring prior to the time a person was imprisoned in the state prison or as a result of a notice received by the department pursuant to subdivision (a) of Section 40509 when the offense which gave rise to the notice occurred prior to the time a person was imprisoned in the state prison.

(c) The department shall remove from its records any notice received by it pursuant to subdivision (a) of Section 40509 upon receipt of satisfactory evidence that a person was imprisoned in the state prison after the offense which gave rise to the notice occurred.

(d) The provisions of this section shall not apply to any nonfelony offense wherein the department is required by this code to immediately revoke or suspend the privilege of any person to drive a motor vehicle upon receipt of a duly certified abstract of the record of any court showing that the person has been convicted of such nonfelony offense.

SEC. 3. This act shall apply to persons serving a sentence in the state prison on and after the effective date of this act.

CHAPTER 1164

An act to amend Section 16107 of the Government Code and to amend Section 5 of Chapter 272 of the Statutes of 1970, relating to subventions to local government to compensate for revenues lost by reason of property tax exemptions, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 15, 1970. Filed with Secretary of State September 15, 1970.]

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

SECTION 1. Section 16107 of the Government Code is amended to read:

16107. (a) Out of the amount appropriated by Section 16105 from the Property Tax Relief Fund, the following amounts shall be allocated to counties and cities and counties for property tax relief in the 1969–70 fiscal year:

Alameda	$3,462,278
Alpine	772
Amador	18,170
Butte	209,853
Calaveras	20,662
Colusa	56,830
Contra Costa	1,630,989
Del Norte	34,669

El Dorado	47,873
Fresno	1,108,943
Glenn	54,998
Humboldt	314,753
Imperial	232,160
Inyo	19,848
Kern	651,077
Kings	191,106
Lake	14,552
Lassen	34,917
Los Angeles	19,202,016
Madera	123,183
Marin	184,568
Mariposa	12,969
Mendocino	121,869
Merced	254,490
Modoc	35,412
Mono	4,171
Monterey	382,873
Napa	145,335
Nevada	27,143
Orange	2,453,442
Placer	81,810
Plumas	22,054
Riverside	755,314
Sacramento	1,057,608
San Benito	72,029
San Bernardino	1,154,201
San Diego	1,699,718
San Francisco	1,956,405
San Joaquin	1,138,805
San Luis Obispo	188,237
San Mateo	1,335,217
Santa Barbara	329,868
Santa Clara	2,576,853
Santa Cruz	158,550
Shasta	129,056
Sierra	4,133
Siskiyou	84,894
Solano	194,621
Sonoma	397,052
Stanislaus	760,950
Sutter	98,378
Tehama	78,179
Trinity	9,882
Tulare	409,480
Tuolumne	35,687
Ventura	407,744
Yolo	313,802
Yuba	55,261

(b) For the 1970–1971 and 1971–1972 fiscal years, the 1969–1970 base figures provided for in subdivision (a) of this section shall be increased by 100 percent for each county and city and county.

(c) For the 1972–1973 fiscal year and each fiscal year thereafter, the 1969–1970 base figures provided for in subdivision (a) of this section shall be used.

SEC. 2. Section 5 of Chapter 272 of the Statutes of 1970 is amended to read:

Sec. 5. Wherever, under any provision of law, state reimbursement is made for lost tax revenue to taxing authorities by reason of partial business inventory and homeowner's property tax exemption, the loss of tax revenue to a metropolitan water district or a county water authority by reason of taxing agencies within such a district or authority paying out of their funds, other than funds derived from ad valorem property taxes, all or a stated percentage of the taxes levied by such a district or authority, shall be reimbursed by the state to such a district or authority in the same manner as provided by law for other taxing authorities and to the same extent as if all of the taxes of such a district or authority had been carried on the county assessment roll.

Reimbursement shall be made in accordance with this section for loss of tax revenue for the 1969–1970 fiscal year upon filing of supplemental claims with the Controller.

SEC. 3. The amendments to Section 129 of the Revenue and Taxation Code by Chapter 272 of the Statutes of 1970 are to apply prospectively to the 1971–72 fiscal year and fiscal years thereafter.

SEC. 3.5. Notwithstanding any other provision of law to the contrary, the Controller shall recompute the amount allocated on or before April 30, 1970, within seven days after the effective date of this section, pursuant to subdivision (d) of Section 31 of Chapter 1 of the Statutes of the 1968 First Extraordinary Session on the basis of the schedule contained in subdivision (a) of Section 16107 of the Government Code, as amended by Section 1 of this act, rather than on the basis of the schedule contained in subdivision (a) of such Section 31. The Controller shall recompute the amount allocated on or before August 31, 1969, pursuant to subdivision (d) of such Section 31 on the basis of the schedule contained in subdivision (a) of Section 16107 of the Government Code, as amended by Section 1 of this act, and shall, on or before August 31, 1970, pay the difference, if any, between the amount so recomputed and the amount paid on or before August 31, 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:

In order to correct inequities in regard to revenue loss to local government due to property tax reductions and to clarify legislative intent as to laws adopted at this session of the Legislature, this act must go into immediate effect.

CHAPTER 1165

An act to amend Section 1166a of the Code of Civil Procedure, relating to summary proceedings.

[Approved by Governor September 15, 1970. Filed with Secretary of State September 15, 1970.]

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

SECTION 1. Section 1166a of the Code of Civil Procedure is amended to read:

1166a. Upon filing the complaint, the plaintiff may, upon motion, have immediate possession of the premises by a writ of possession issued by the court and directed to the sheriff of the county, or constable or marshal, for execution, where it appears to the satisfaction of the court, after a hearing on the motion, from the verified complaint and from any affidavits filed or oral testimony given by or on behalf of the parties, that the defendant resides out of state, has departed from the state, cannot, after due diligence, be found within the state, or has concealed himself to avoid the service of summons. Written notice of the hearing on the motion shall be served on the defendant by the plaintiff in accordance with the provisions of Section 1011, and shall inform the defendant that he may file affidavits on his behalf with the court and may appear and present testimony on his behalf, and that, if he fails to appear, the plaintiff will apply to the court for the writ of possession. The plaintiff shall file an undertaking with good and sufficient sureties, to be approved by the judge, in such sum as shall be fixed and determined by the judge, to the effect that, if the plaintiff fails to recover judgment against the defendant for the possession of the premises or if the suit is dismissed, the plaintiff will pay to the defendant such damages, not to exceed the amount fixed in the undertaking, as may be sustained by the defendant by reason of such dispossession under the writ of possession. An action to recover such damages shall be commenced by the defendant in a court of competent jurisdiction within one year from the date of entry of dismissal or of final judgment in favor of the defendant.

CHAPTER 1166

An act to amend Section 1834.5 of the Civil Code, relating to abandoned animals.

[Approved by Governor September 15, 1970. Filed with Secretary of State September 15, 1970.]

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

SECTION 1. Section 1834.5 of the Civil Code is amended to read:

1834.5. Notwithstanding any other provision of law, whenever any animal is delivered to any veterinarian, dog kennel, cat kennel, pet-grooming parlor, animal hospital, or any other animal care facility pursuant to any written or oral agreement entered into after the effective date of this section, and the owner of such animal does not pick up the animal within 21 calendar days after the day the animal was due to be picked up, the animal shall be deemed to be abandoned. The person into whose custody the animal was placed for care shall first try for a period of not less than 10 days to find a new owner for the animal, and, if unable to place the animal with a new owner, shall thereafter humanely destroy the animal so abandoned.

If an animal so abandoned was left with a veterinarian or with a facility which has a veterinarian, and a new owner cannot be found pursuant to this section, such veterinarian shall humanely destroy the animal.

There shall be a notice posted in a conspicuous place, or in conspicuous type in a written receipt given, to warn each person depositing an animal at such animal care facilities of the provisions of this section.

CHAPTER 1167

An act to add Section 6 to, and to repeal Sections 6 and 6.1 of, the Lower San Joaquin Levee District Act (Chapter 1075 of the Statutes of 1955), relating to Lower San Joaquin Levee District.

[Approved by Governor September 15, 1970. Filed with Secretary of State September 15, 1970.]

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

SECTION 1. Section 6 of the Lower San Joaquin Levee District Act (Chapter 1075 of the Statutes of 1955) is repealed.

SEC. 2. Section 6 is added to the Lower San Joaquin Levee District Act (Chapter 1075 of the Statutes of 1955), to read:

Sec. 6. The board shall consist of seven members. Three members shall be appointed by the Board of Supervisors of

Merced County, two members by the Board of Supervisors of Fresno County, and two members by the Board of Supervisors of Madera County. The directors shall be appointed on a division basis. There shall be seven divisions consisting of the following territory:

Merced County:

Division No. 1 consisting of that portion of the Precincts of Fairview, San Joaquin, Turner Cottonwood, and New Era lying within the boundaries of the Lower San Joaquin Levee District, and more particularly described as follows:

Beginning at the county line between Stanislaus and Merced Counties at the mouth of Merced River; thence downstream to Hills Ferry Bridge; thence along Newman Road westerly ¼ mile, southeasterly ¼ mile and southwesterly 2.65 miles to Canal School Road; thence south 0.45 mile along Canal School Road to the county line between Stanislaus and Merced Counties; thence south along said road to south line Section 20, Township 7 South, Range 9 East; thence east 0.85 mile to the Old Santa Fe Grade; thence southeasterly along said Old Santa Fe Grade 5 5 miles to the south line of Section 13, Township 8 South, Range 9 East; thence east 3.25 miles along said south line and south line Sections 18, 17 and 16, Township 8 South, Range 10 East, to east side San Luis Canal at Fremont Ranch; thence southeasterly along east side San Luis Canal, to the south line of Section 35, Township 8 South, Range 10 East; thence easterly along the south line of Section 35 and 36, Township 8 South, Range 10 East; thence northerly along the east line of Section 36, 25, 24, 13, 12 & 1, Township 8 South, Range 10 East; thence continuing northerly along the east line of Section 36 & 25, Township 7 South, Range 10 East; thence west 1 mile to the northwest corner of Section 25, Township 7 South, Range 10 East; thence north ¾ mile to State Highway No. 140 at the Intersection of said highway with the east line of Section 23; thence west 2 miles along said highway to the east line of Section 21; thence north ½ mile; thence west 2 miles to the east line of Section 18; thence north 1 mile; thence west 1 mile to the northwest corner of the southwest quarter of the southwest quarter of Section 7, Township 7 South, Range 10 East; thence north along the east line of Section 12, Township 7 South, Range 9 East ¾ mile; thence westerly along River Road to the point of beginning.

Division No 2 consisting of that portion of the Precincts of McSwain No. 1, Monroe and El Nido lying within the boundaries of the Lower San Joaquin Levee District, and more particularly described as follows:

Parcel No. 1 beginning at the intersection of the east side of the San Luis Canal and the north line of Section 2, Township 9 South, Range 10 East, thence southeasterly along the east side of San Luis Canal to the San Pedro Grade Road at the north line of Section 1, Township 10 South, Range 10

East; thence east along said road and along the line between Township 9 South, and Township 10 South 4.25 miles to the southeast corner of Section 34, Township 9 South, Range 11 East; thence along the easterly line of Section 34, 27, 22 & 15, Township 9 South, Range 11 East to the San Joaquin River; thence northwesterly along the San Joaquin River to the north line Township 9 South; thence easterly along the line between Township 9 South & Township 8 South to the northwest corner Section 3, Township 9 South, Range 12 East; thence south 3 miles to the northeast corner Section 21, Township 9 South, Range 12 East; thence east 6 miles to northeast corner Section 21, Township 9 South, Range 13 East, thence north 2 miles to the northeast corner of Section 9; thence west 3 miles to the northwest corner of Section 7; thence north 1 mile to the northeast corner of Section 1, Township 9 South, Range 12 East; thence west 1.9 mile to the southeast corner of Section 34, Township 8 South, Range 12 East; thence north 1½ mile to the northeast corner of the southeast quarter of Section 27; thence west 1 mile; thence north ½ mile to the northeast corner of Section 28; thence west ½ mile; thence north one mile; thence west 1½ miles to the northwest corner of Section 20; thence north 1 mile to the northeast corner of Section 18, Township 8 South, Range 12 East; thence west 1 mile to the southeast corner of Section 12, Township 8 South, Range 11 East; thence north 1 mile to the northeast corner of Section 12; thence west two miles to the northwest corner of Section 11; thence north 1 mile to the northeast corner of Section 3, Township 8 South, Range 11 East; thence west 2 miles to the southeast corner of Section 32, Township 7 South, Range 11 East; thence north 1 mile; thence west 2 miles to the northwest corner of Section 31; thence south 1 mile to southwest corner Section 31, Township 7 South, Range 11 East; thence continuing south 6 miles to southwest corner Section 31, Township 8 South, Range 11 East; thence west 1.3 mile to the point of beginning.

Parcel No. 2 begins at the southwest corner Section 34, Township 9 South, Range 13 East; thence north 1 mile to northwest corner Section 34; thence east 3 miles to northeast corner Section 36; thence south 1 mile to southeast corner Section 36, Township 9 South, Range 13 East; thence continuing south 1 mile to southeast corner Section 1, Township 10 South, Range 13 East; thence west 3 miles to southwest corner Section 3; thence north 1 mile to northwest corner Section 3, Township 10 South, Range 13 East and the point of beginning.

Division No. 3 consisting of that portion of the Precincts of Arroyo Santa Rita and Miller lying within the boundaries of the Lower San Joaquin Levee District, and more particularly described as follows:

Beginning at the southwest corner Section 35, Township 9 South, Range 11 East; thence east 2 miles to Turner Island Road; thence South along Turner Island Road 3 miles to State Highway No. 152 at the south line of Section 18, Township 10

South, Range 12 East; thence east along said State Highway No. 152, 3 miles to the northwest corner, Section 22, Township 10 South, Range 12 East; thence south ¾ mile, more or less, to the north boundary of the Dos Palos Drainage District at Arroyo Canal; thence along the Arroyo Canal and said boundary easterly and southerly to the west line of Section 26, Township 10 South, Range 12 East; thence continuing along said boundary south 0 6 raile along said west line to the Colony Main Canal; thence southerly along said drainage district boundary and Colony Main Canal to the south line of Section 35, Township 10 South, Range 12 East; thence continuing along said boundary east ½ mile to the northwest corner of Section 1, Township 11 South, Range 12 East; thence along said boundary south 1 mile to the southwest corner of said Section 1; thence continuing along said boundary east 0.85 mile to the boundary line between Merced and Fresno Counties; thence northeasterly along the boundary line between Merced and Fresno Counties and the boundary line between Merced and Madera Counties to northeast corner Section 12, Township 10 South, Range 13 East; thence west 3 miles to southwest corner Section 3; thence north 1 mile to northwest corner Section 3, Township 10 South, Range 13 East; thence continuing north 3 miles to northeast corner Section 21, Township 9 South Range 13 East; thence west 6 miles to northeast corner Section 21, Township 9 South, Range 12 East; thence north 3 miles to northwest corner Section 3, Township 9 South, Range 12 East; thence west 6.2 miles to the intersection of the south line of Section 33, Township 9 South, Range 11 East with the San Joaquin River; thence southeasterly to the intersection of the San Joaquin River with west line of Section 14, Township 9 South, Range 11 East; thence south 4 miles to the point of beginning.

Madera County:

Division No. 4 consisting of that portion of the Precincts of Ripperdan and Columbia lying within the boundaries of the Lower San Joaquin Levee District and more particularly described as follows:

Beginning at the intersection of the north line of Section 17, Township 13 South, Range 17 East with the boundary line between Fresno and Madera Counties, thence west 7½ miles to the northwest corner of Section 18, Township 13 South, Range 16 East; thence north 2 miles to the northeast corner of Section 1, Township 13 South, Range 15 East; thence west 0.8 mile to the southeast corner of Section 35, Township 12 South, Range 15 East; thence north 3 miles to the northeast corner of Section 23, Township 12 South, Range 15 East; thence west 1.65 miles to the intersection of the north line of Section 22, Township 12 South, Range 15 East, with Chowchilla Canal; thence northwesterly along Chowchilla Canal 3¼ miles to the boundary line between Township 11 South, and Township 12 South; thence west along said Township line

to the San Joaquin River and the boundary between Madera and Fresno Counties; thence upstream along said county line and the San Joaquin river to the point of beginning.

Division No. 5 consisting of that portion of the Precincts of Bonita, Dairyland, Bethel and Ash View lying within the boundaries of the Lower San Joaquin Levee District and more particularly described as follows:

Beginning at the intersection of the Chowchilla Canal with the south line of Section 33, Township 11 South, Range 15 East; thence northwesterly along the Chowchilla Canal to the north line of Section 21, Township 10 South, Range 14 East; thence west 1½ miles to the northwest corner of Section 20; thence north one mile to the northeast corner of Section 18; thence west 1 mile to the southeast corner of Section 12, Township 10 South, Range 13 East; thence north one mile to the northeast corner of Section 12 and the county line between Madera and Merced Counties; thence southwesterly along said county line to the intersection of said line with the San Joaquin River and boundary line between Fresno and Madera Counties; thence upstream along the Fresno-Madera County line and the San Joaquin River to the south line of Township 11 South; thence east along the boundary between Township 11 South and Township 12 South, to the point of beginning.

Fresno County:

Division No. 6 consisting of that portion of the Precincts of Bryand, Las Deltas, Tranquility, Empire and Vineland lying within the boundaries of the Lower San Joaquin Levee District, excepting the City of Firebaugh, and more particularly described as follows:

Beginning at the intersection of the south line of Section 1, Township 11 South, Range 12 East and the boundary line between Merced and Fresno Counties, thence east to the southeast corner of said Section 1; thence south along the range line between Township 11 South, Range 12 East, and Township 11 South, Range 13 East 4.25 miles to the intersection of the easterly line of the right of way of the Southern Pacific Railroad and the west line of Section 31, Township 11 South, Range 13 East; thence southeasterly along said east line of railroad 11.5 miles to the easterly right of way line of the U.S.B.R. Delta Mendota Canal; thence southeasterly 6 miles to the intersection of said easterly right of way line with the west line of the east ½ of southeast ¼ of Section 19, Township 13 South, Range 15 East; thence south 0.7 mile to the southwest corner of east ½ of northeast ¼ of Section 30, Township 13 South, Range 15 East; thence east ¼ mile to quarter section corner on east line of said Section 30; thence south along the east line of Sections 30 and 31, Township 13 South, Range 15 East, and the east line of Section 6, Township 14 South, Range 15 East, to the northeasterly right of way line of the Southern Pacific Railroad; thence southeasterly along said railroad right of way 2 miles to White's Bridge Road; thence east along

White's Bridge Road 7¼ miles to the southeast corner of Section 3, Township 14 South, Range 16 East; thence north one mile to the southeast corner of Section 34, Township 13 South, Range 16 East; thence east 3 miles to the southeast corner of Section 31, Township 13 South, Range 17 East; thence north 3 miles to the northeast corner of Section 19, Township 13 South, Range 17 East; thence east 2 miles to the southeast corner of Section 16, Township 13 South, Range 17 East; thence north 1⅓ mile to the San Joaquin River and the county line between Fresno and Madera Counties; thence along said county line downstream to the Merced County line; thence southwesterly along the boundary line between Merced and Fresno Counties, and excepting that portion of the City of Firebaugh lying within the boundaries of the Lower San Joaquin Levee District.

Division No. 7 consisting of that portion of the City of Firebaugh lying within the boundaries of the Lower San Joaquin Levee District.

All of the Townships and Ranges referred to in the descriptions of this section are with reference to the Mt. Diablo Base and Meridian.

One director shall be appointed from each of the seven divisions of the district, and each member of the board of directors shall be an owner of land, or a representative of a corporation owning land, within the division which he is appointed to represent. Each director shall serve for a four-year term and until his successor is appointed and qualifies.

Any vacancy on the board shall be filled by appointment of a member in a same manner and for same division as that of director whose office is vacant.

Any member of the board of directors holding office on the effective date of this section shall continue to hold such office until his term expires and until his successor is appointed and qualifies.

SEC. 3. Section 6.1 of the Lower San Joaquin Levee District Act (Chapter 1075 of the Statutes of 1955) is repealed.

CHAPTER 1168

An act to amend Sections 69580, 73075 and 73088 of the Government Code, relating to courts.

[Approved by Governor September 15, 1970. Filed with Secretary of State September 15, 1970.]

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 25 judges of the superior court.

SEC. 2. Section 73075 of the Government Code is amended to read:

73075. Each of the municipal court districts established in Alameda County shall have the number of judges set out below opposite the name of the judicial district over which such court has jurisdiction:

Alameda Judicial District	1
Berkeley-Albany Judicial District	4
Oakland-Piedmont Judicial District	14
San Leandro-Hayward Judicial District	4

SEC. 3. 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) Seven deputy clerks grade IV.
(c) Four deputy clerks grade III.
(d) Ten deputy clerks grade II.
(e) Four deputy clerks grade I.

CHAPTER 1169

An act to add Section 10751.5 to the Education Code, relating to address lists.

[Approved by Governor September 15, 1970. Filed with Secretary of State September 15, 1970.]

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

SECTION 1. Section 10751.5 is added to the Education Code, to read:

10751.5. Notwithstanding Section 10751, the superintendent, principal, or governing board of any public, private, or parochial school providing instruction in kindergarten or any of grades 1 to 12, inclusive, may permit the furnishing, or may furnish, the names and addresses of pupils presently enrolled in grade 12, or pupils who have terminated their enrollment prior to graduation to any official of a private business or professional school or college approved, authorized, or certified pursuant to the provisions of Division 21 (commencing with Section 29001). No private business or professional school or college, as provided for in this section, shall use such information for other than purposes directly related to their own solicitation activities. Any violation of this provision is a misdemeanor, punishable by a fine of not to exceed two thousand five hundred dollars ($2,500), and, in addition the privilege of the school or college to receive the lists shall be suspended for a period of two years from the time of discovery of the misuse of such lists.

CHAPTER 1170

An act to amend Section 128 of the Water Code, relating to flood control.

[Approved by Governor September 15, 1970. Filed with Secretary of State September 15, 1970.]

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

SECTION 1. Section 128 of the Water Code is amended to read:

128. In times of extraordinary stress and of disaster, resulting from storms and floods, or where damage to watershed lands by forest fires has created an imminent threat of floods and damage by water, mud, or debris upon the occurrence of storms, the director may declare the existence of an emergency and designate the location, nature, cause, area, and extent of the emergency if in his opinion:

(a) The emergency is a matter affecting the waters or dams of the state or affecting lands below watershed lands damaged by forest fires and is of general public and state concern; and

(b) Work and remedial measures are required to immediately avert, alleviate, repair, or restore damage or destruction to property having a general public and state interest and to protect the health, safety, convenience, and welfare of the general public of the state.

Except work which may be performed pursuant to Sections 4675, 4676, and 4677 of the Public Resources Code, the department may perform any work required or take any remedial measures necessary to avert, alleviate, repair, or restore damage or destruction to property as provided in this section. In carrying out such work the department may perform the work itself or through or in cooperation with any other state department or agency, the federal government, or any political subdivision, city, or district.

The director shall transmit any declaration made under this section to the Governor with a recommendation and request that money be allocated from any available money appropriated for that purpose or to meet state emergencies within the meaning of that term as employed in this section, in order to carry out the work and remedial measures required to meet the emergency.

The Governor shall forthwith determine if a state emergency exists, and if money is available in any appropriation or emergency fund for the work and remedial measures. Upon an affirmative finding upon these matters he shall direct the Department of Finance to allocate to the department such amount as in his opinion will be required to meet the emergency.

CHAPTER 1171

An act to add Section 14104.5 to the Welfare and Institutions Code, relating to public assistance.

[Approved by Governor September 15, 1970. Filed with Secretary of State September 15, 1970.]

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

SECTION 1. Section 14104.5 is added to the Welfare and Institutions Code, to read:

14104.5. Notwithstanding any other provision of law, the director shall by regulation adopt such procedures as are necessary for the review of a grievance or complaint concerning the processing or payment of money alleged by a provider of services to be payable by reason of any of the provisions of this chapter. After complying with such procedures if the provider is not satisfied with the director's decision on his claim, he may not later than one year after receiving notice of such decision, present a claim for money against the state in accordance with Chapter 1 (commencing with Section 900) and Chapter 2 (commencing with Section 910) of Part 3 of Division 3.6 of the Government Code and proceed in the manner provided in Part 3 (commencing with Section 900), Part 4 (commencing with Section 940) and Part 5 (commencing with Section 965) of Division 3.6 of the Government Code. The provisions of this section shall be the exclusive remedy available to the provider of services for moneys alleged to be payable by reason of the provisions of this chapter.

CHAPTER 1172

An act to amend Sections 30158, 30159, and 30160 of the Streets and Highways Code, relating to toll bridges.

[Approved by Governor September 15, 1970. Filed with Secretary of State September 15, 1970.]

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

SECTION 1. Section 30158 of the Streets and Highways Code is amended to read:

30158. The department may issue permits for the use of any toll bridge or other toll highway crossing acquired or constructed pursuant to this chapter on a credit basis. Except in the case of municipal or other public corporations, governmental agencies, or common carriers having contracts directly with the authority for operation of the transportation facilities of such bridge or crossing, the holder of a permit to use any toll bridge or other toll highway crossing on a credit basis shall furnish to and maintain in force with the department a cash deposit, a certificate of deposit approved by the

department, or a corporate surety bond, in an amount equal to twice the department's estimate of the toll charges to be incurred under such permit during one month.

SEC. 2. Section 30159 of the Streets and Highways Code is amended to read:

30159. The department may require the holder of such permit to increase the amount of cash bond or certificate of deposit, or to furnish an additional surety bond, or may reduce the amount of the cash bond, certificate of deposit, or surety bond required, as the amount of charges incurred and regularity of payment warrant, or may revoke any permit granted for failure of the holder to comply with its terms.

SEC. 3. Section 30160 of the Streets and Highways Code is amended to read:

30160. The department may also require the holder of any such permit to pay a fee of not to exceed seven dollars ($7) a month and, in addition thereto, such other fee for each individual credit transaction which, when combined with the monthly fee, will cover the estimated printing and other overhead expense, the proceeds thereof to be deposited in the fund from which such expenses are paid.

CHAPTER 1173

An act to add Sections 26501.1 and 26501.2 to the Education Code, relating to physically handicapped minors.

[Approved by Governor September 15, 1970. Filed with Secretary of State September 15, 1970.]

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

SECTION 1. Section 26501.1 is added to the Education Code, to read:

26501.1. On or before July 15 of each year, the superintendent of each California Diagnostic School for Neurologically Handicapped Children 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 Diagnostic School for Neurologically Handicapped Children, under the provisions of this chapter, the school district of residence shall annually pay to the 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 neurologically handicapped bears to the number of days the school for the neurologically handicapped was in session. The payment

to the Department of Education by the school district of residence shall be made by the 30th day of September, 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 neurologically handicapped.

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 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 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 Diagnostic Schools for Neurologically Handicapped Children 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 26501.2 is added to the Education Code, to read:

26501.2. If a school district makes a payment in excess of the amount due the Department of Education under the provisions of Section 26501.1, the department shall refund to the district, from the appropriation to which the payment was credited, the amount that is in excess of the amount due.

CHAPTER 1174

An act to amend Sections 54353, 54354, 54354.5 and 54514 of the Government Code, relating to revenue bonds.

[Approved by Governor September 15, 1970. Filed with Secretary of State September 15, 1970.]

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

SECTION 1. Section 54353 of the Government Code is amended to read:

54353. As a remedy established for the collection of due and unpaid deposits and charges and the penalties thereon an action may be brought in the name of the local agency in any court of competent jurisdiction against the person or persons who occupied or, in the case of unoccupied property, who owned the property when the service was rendered or the deposit became due or against any person guaranteeing payment of bills, or against any or all of said persons, for the

collection of the amount of the deposit or the collection of delinquent charges and all penalties thereon.

SEC. 2. Section 54354 of the Government Code is amended to read:

54354. A local agency that acquires, constructs or improves a system, plant, works, facilities or undertaking for the collection, treatment or disposal of sewage or for the obtaining, conserving, treating and supplying of water, may declare in the resolution or ordinance prescribing or revising charges for the services or facilities furnished by the enterprise that delinquent charges and all penalties thereon when recorded as in this chapter provided shall constitute a lien upon the real property served (except that no such lien shall be created against any publicly owned property) and such lien shall continue until the charge and all penalties thereon are fully paid or the property sold therefor.

SEC. 3. Section 54354.5 of the Government Code is amended to read:

54354.5. A resolution or ordinance prescribing or revising charges for the services or facilities furnished by the enterprise and declaring that delinquent charges and penalties when recorded as provided in this chapter shall constitute a lien upon the real property served shall not be adopted until the legislative body has given notice of and held a hearing thereon substantially as provided by this section; provided, however, that nothing herein shall be construed to prevent the local agency from prescribing, revising and collecting charges sufficient in amount to comply with Section 54515 or any other provision of this chapter or any provision or covenant in the proceedings for the issuance of any outstanding revenue bonds of the local agency payable from the revenues of the enterprise.

(a) The notice of the hearing shall be given by the clerk or secretary of the legislative body and shall contain a copy of the proposed resolution or ordinance. Said notice shall state the time and place for a hearing on said proposed resolution or ordinance, and that at said time and place any person interested, including all persons owning property in the local agency, may appear and be heard as to whether the proposed rates and charges are discriminatory or excessive, or will not be sufficient under Section 54515, or will not comply with any other provision of this chapter, or will not be sufficient under the provisions or covenants of any outstanding revenue bonds of the local agency payable from the revenues of the enterprise, or on any other matter relating to said proposed resolution or ordinance or the rates or charges proposed therein.

(b) Said notice shall be published at least once each week for two weeks prior to the hearing in a newspaper published in the local agency. If there is no newspaper published in the local agency, said notice shall be posted in three public places in the local agency for not less than two weeks prior to the

hearing. The first publication or posting of the notice shall be at least 15 days prior to the date of hearing.

(c) At the time and place fixed in said notice for the hearing, the legislative body shall hold said hearing and may adjourn said hearing from time to time and may adjourn said hearing to a different place if deemed necessary. At the hearing any person interested, including all persons owning property in the local agency, may appear and be heard on the matters set forth in the notice. At the hearing the legislative body may change or modify the proposed rates and charges; provided, however, that no rate or charge shall be raised or increased from that set forth in the proposed resolution or ordinance, unless notice of intention to make said increase shall be published once or posted at least 10 days prior to the hearing on the proposed change.

(d) At the conclusion of the hearing the legislative body may determine that the proposed rates and charges, as originally proposed or modified as provided herein, are not discriminatory or excessive, and will be sufficient under Section 54515 and will comply with the provisions of this chapter and will be sufficient under the provisions or covenants of any outstanding revenue bonds of the local agency payable from the revenues of the enterprise and will be in compliance with law, and adopt said proposed resolution or ordinance as proposed or modified as provided herein.

SEC. 4. Section 54514 of the Government Code is amended to read:

54514. Subject to the provisions of Section 54516.1, the local agency shall prescribe, revise, and collect such charges that the services, facilities or water of the enterprise are furnished at the lowest possible cost consistent with sound economy, and prudent management, and the security and payment of the principal and interest of the bonds.

CHAPTER 1175

An act to amend Section 9301.5 of the Education Code, relating to school textbooks.

[Approved by Governor September 15, 1970. Filed with Secretary of State September 15, 1970.]

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

SECTION 1. Section 9301.5 of the Education Code is amended to read:

9301.5. For the purpose of this chapter:

(a) "Elementary schools" include all public schools in which instruction is given in grades kindergarten through eighth, or in any one or more of such grades.

(b) "Basic textbook" is a book designed for use by pupils as a principal source of instructional material for a given

subject, at a given grade level, and meeting in organization and content the basic requirements of the intended course.

(c) "Board" means the State Board of Education.

(d) "Supplementary textbook" is a book or reusable educational material designed to serve, but is not limited to, one or more of the following purposes, for a given subject, at a given grade level:

(1) To provide more complete coverage of a subject or subjects included in a given course.

(2) To provide for meeting the various learning ability levels of pupils in a given age group or grade level.

(3) To provide for meeting the diverse educational needs of pupils with a language disability in a given age group or grade level.

(4) To provide for meeting the diverse educational needs of pupils caused by a condition of cultural disparity.

CHAPTER 1176

An act to add Section 58661 to the Agricultural Code, relating to agricultural marketing.

[Approved by Governor September 15, 1970. Filed with Secretary of State September 15, 1970.]

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

SECTION 1. Section 58661 is added to the Agricultural Code, to read:

58661. The term volume, or quantity, as used in this chapter, except Article 9 (commencing with Section 58881), may be in terms of gross dollar value if the director finds that such volume or quantity cannot be readily ascertained otherwise, or that gross dollar value is a more equitable measure of the commodity involved.

CHAPTER 1177

An act to add Section 22825.5 to the Government Code, relating to the Meyers-Geddes State Employees' Medical and Hospital Care Act.

[Approved by Governor September 15, 1970. Filed with Secretary of State September 15, 1970.]

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

SECTION 1. Section 22825.5 is added to the Government Code, to read:

22825.5. Employment, for purposes of determining completion of six months of employment for commencement of

employer contributions for an employee, shall include service in which contribution was made for him by his employer to another plan or program offering prepaid hospital and medical care.

CHAPTER 1178

An act to amend Sections 50230, 50232, 50235, 50236, 50238, 50239, 50241, and 50243 of the Government Code, relating to nuisances.

[Approved by Governor September 15, 1970. Filed with Secretary of State September 15, 1970.]

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

SECTION 1. Section 50230 of the Government Code is amended to read:

50230. As used in this article:

(a) "Local agency" means a city, a city and county, or a county.

(b) "Legislative body" means the legislative body of a local agency.

(c) "Superintendent" means street superintendent, his assistants and deputies, or other public officer designated by the legislative body to perform the duties imposed by this article upon the superintendent.

(d) "Abandoned excavation" means any abandoned mining shaft, pit, well, septic tank, cesspool, or other abandoned excavation dangerous to persons legally on the premises where the abandoned excavation is located or to minors under the age of 12 years; and any facilities or equipment used in connection with drilling oil, mining or exploring for minerals or diatomaceous soil which have been abandoned and which constitute a hazard endangering the safety and welfare of the people.

SEC. 2. Section 50232 of the Government Code is amended to read:

50232. The resolution shall describe the property upon which the nuisance exists by giving its lot and block number according to the official or local agency assessment map or by other means sufficient to identify the property. The legislative body may specify the type of covering, filling, fencing, or other method of abatement required in abating the nuisance.

SEC. 3. Section 50235 of the Government Code is amended to read:

50235. The heading of the notices shall be "Notice to abate abandoned excavation" in letters not less than one inch in height.

SEC. 4. Section 50236 of the Government Code is amended to read:

50236. The notice shall be substantially in the following form:

NOTICE TO ABATE ABANDONED EXCAVATION

Notice is hereby given that on the _____ day of _____, 19__, the (name of the legislative body) passed a resolution declaring that an abandoned excavation was located upon the property on this street in _____, and more particularly described in the resolution, and that it constitutes a public nuisance which must be abated (if the legislative body has specified the type of abatement required to abate the nuisance, the specification shall be set forth). Otherwise it will be abated by the (county, city, or city and county) and the cost of the abatement assessed upon the land which the abandoned excavation is located and will constitute a lien upon such land until paid. Reference is hereby made to the resolution for further particulars. A copy of said resolution is on file in the office of the (county, city, or city and county) clerk.

All property owners having any objections to the proposed abatement of the abandoned excavation are hereby notified to attend a meeting of the (name of the legislative body) of (county, city, or city and county) to be held (give date), when their objections will be heard and given due consideration.

Dated this _____ day of _____, 19__.

_____
Street Superintendent
(County, City, or City and County of _____)

SEC. 5. Section 50238 of the Government Code is amended to read:

50238. At the time stated in the notices, the legislative body shall hear and consider all objections to the proposed abatement of the abandoned excavation. It may continue the hearing from time to time.

SEC. 6. Section 50239 of the Government Code is amended to read:

50239. By motion or resolution at the conclusion of the hearing the legislative body shall allow or overrule any objections. At that time the legislative body acquires jurisdiction to proceed and perform the work of abating the abandoned excavation.

SEC. 7. Section 50241 of the Government Code is amended to read:

50241. If objections have not been made or after the legislative body has disposed of those made, it shall order the superintendent to abate the nuisance. The order shall be made by motion or resolution.

SEC. 8. Section 50243 of the Government Code is amended to read:

50243. Before the superintendent arrives, any property owner may abate the abandoned excavation at his own expense.

CHAPTER 1179

An act to amend Section 66622 of the Government Code, relating to the San Francisco Bay Conservation and Development Commission.

[Approved by Governor September 15, 1970. Filed with Secretary of State September 15, 1970.]

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

SECTION 1. Section 66622 of the Government Code is amended to read:

66622. The members of the commission shall serve at the pleasure of their respective appointing powers. The members shall serve without compensation, but each of the members shall be reimbursed for his necessary expenses incurred in the performance of his duties.

A member, subject to confirmation by his appointing power, may authorize an alternate for attendance at meetings and voting in his absence. Each alternate shall be designated in a written instrument which shall include evidence of the confirmation by the appointing power and his name shall be kept on file with the commission. Each member may change his alternate from time to time, with the confirmation of his appointing power, but shall have only one alternate at a time. Each alternate shall have the same qualifications as are required for the member who appointed him, except that each county representative may designate any other member of that county's board of supervisors as his alternate.

CHAPTER 1180

An act to amend Section 69599 of the Government Code, relating to judges.

[Approved by Governor September 15, 1970. Filed with Secretary of State September 15, 1970.]

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

SECTION 1. Section 69599 of the Government Code is amended to read.

69599. In San Mateo County there shall be 13 judges of the superior court.

CHAPTER 1181

An act to amend Section 10205 of the Streets and Highways Code, relating to the Municipal Improvement Act of 1913.

[Approved by Governor September 15, 1970. Filed with Secretary of State September 15, 1970.]

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

SECTION 1. Section 10205 of the Streets and Highways Code is amended to read:

10205. The provisions of the Improvement Act of 1911 relating to contributions is incorporated in this division as if fully set out herein.

At any time either before or after the formation of the district, the legislative body may provide by ordinance that for a period specified in the ordinance, but not exceeding the term of bonds issued or to be issued, the city may contribute, from any sources of revenue not otherwise prohibited by law, any specified amount, portion, or percentage of such revenues for the purposes set forth in such ordinance, limited to the following: the acquisition or construction of improvements, the acquisition of interests in real property and the payment of expenses incidental thereto for the use and benefit of the district. In addition, the purposes specified in the ordinance may also include the application of such revenues as a credit upon the levied assessments in the same manner as is provided in Section 10427.1 A brief statement of intention to provide such contribution of revenues shall be set forth in the resolution of intention. Such contribution shall not constitute an indebtedness or liability of the municipality. Contributions may be made from any sources of revenue not otherwise prohibited by law; provided, however, that any contributions authorized after the levy of assessment shall be from sources other than ad valorem taxes on real property.

CHAPTER 1182

An act to amend Sections 21670 and 21674 of, and to add Sections 21670.1, 21670.2, 21670.3, 21675 and 21676 to, the Public Utilities Code, relating to airport land use commissions.

[Approved by Governor September 15, 1970 Filed with Secretary of State September 15, 1970]

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

SECTION 1. Section 21670 of the Public Utilities Code is amended to read:

21670. There is hereby created in each county subject to this article and containing at least one airport operated for the benefit of the general public and served by an air carrier certified by the Public Utilities Commission or the Civil Aeronautics Board, an airport land use commission, hereinafter referred to as the "commission." Each commission shall consist of seven members to be selected as follows:

(a) Two representing the cities in the county, appointed by a selection committee comprised of the mayors of all the

cities within that county; provided, however, that if there are any cities contiguous or adjacent to the qualifying airport, at least one such representative shall be appointed therefrom. If there are no cities within a county, the number of representatives provided for by subdivisions (b) and (c) shall each be increased by one.

(b) Two representing the county, appointed by the board of supervisors.

(c) Two representing the airports within that county, appointed by a selection committee comprised of the managers of all of the public airports within that county; however, one such representative shall be appointed from an airport operated for the benefit of the general public.

(d) One representing the general public, appointed by the other six members of the commission.

Each commission shall file a certificate of formation with the Secretary of State on or prior to January 1, 1971.

SEC. 2. Section 21670.1 is added to the Public Utilities Code, to read:

21670.1. Notwithstanding any provisions of this article, if the board of supervisors and the selection committee of mayors in any county each makes a determination by a majority vote that proper land use planning can be accomplished through the actions of an appropriately designated body, then such body shall assume the planning responsibilities of an airport land use commission as provided for in this article, and a commission need not be formed in that county. The Secretary of State shall be notified of such determinations by January 1, 1971.

SEC. 3. Section 21670.2 is added to the Public Utilities Code, to read:

21670.2. Sections 21670 and 21670.1 do not apply to counties of more than 4 million population In such counties, the county regional planning commission has the responsibility for coordinating the airport planning of public agencies within the county. In instances where impasses result relative to this planning, an appeal may be made to the county regional planning commission by any public agency involved. The action taken by the county regional planning commission on such an appeal may be overruled by a four-fifths vote of the governing body of a public agency whose planning led to the appeal.

SEC. 4. Section 21674 of the Public Utilities Code is amended to read:

21674. The commission shall have the following powers and duties, subject to the limitations upon its jurisdiction herein set forth:

(1) To study conditions and make recommendations concerning the need for height restrictions on buildings near airports;

(2) To make recommendations for the use of the land surrounding airports to assure safety of air navigation and the promotion of air commerce.

(3) To hold public hearings regarding the subject matter in subdivisions (1) and (2) and make findings of fact thereon which would be advisory only to the involved jurisdiction.

(4) To make and enforce rules and regulations for the orderly and fair conduct of such hearings which shall conform as nearly as possible to the provisions applicable to hearings conducted by local agency formation commissions.

The powers of the commission shall in no way be construed to give the commission jurisdiction over the operation of any airport.

SEC. 5. Section 21675 is added to the Public Utilities Code, to read:

21675. The commission shall formulate a comprehensive land use plan that will provide for the orderly growth of each public airport and the area surrounding the airport within the jurisdiction of the commission, and will safeguard the general welfare of the inhabitants within the vicinity of the airport and the public in general. The commission plan shall include a long-range master plan that reflects the anticipated growth of the airport during at least the next 20 years. This plan shall not be inconsistent with the State Master Airport Plan. In formulating a land use plan, the commission may develop height restrictions on buildings, may specify use of land, and may determine building standards, including soundproofing adjacent to airports, within the planning area.

The planning boundaries shall be established by the commission after hearing and consultation with the involved agencies.

SEC. 6. Section 21676 is added to the Public Utilities Code, to read:

21676. Each public agency having representation on the commission shall assist in the development of an area plan. All such plans must be filed with the commission for its approval. If in the determination of the commission, an action or regulation of any public agency within the boundaries of the area plan is inconsistent with the commission plan, then the commission shall hold a hearing to determine whether or not the proposed action is in the best interest of the airport and the adjacent area. If it is determined that the action would be harmful, then the public agency shall be notified and the public agency shall have another hearing to reconsider its action. The public agency proposing the action or regulation, however, may overrule the commission after such hearing by a four-fifths vote of its governing body.

Each public agency owning any airport within the boundaries of the area plan shall file any substantive change in development plans with the commission for its approval. If such plans are inconsistent with the commission plan, then the public agency shall be notified and shall have another hearing to reconsider its action. Such public agency, however, may overrule the commission by a four-fifths vote of its governing body.

CHAPTER 1183

An act to amend Sections 25425, 25545.29, and 25545.36 of, and to add Section 25425.1 to, the Education Code, relating to community colleges.

[Approved by Governor September 15, 1970. Filed with Secretary of State September 15, 1970.]

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

SECTION 1. Section 25425 of the Education Code is amended to read:

25425. The governing board of a district maintaining a community college may require of pupils in attendance in grades 13 and 14, the payment of a fee in the total amount of not more than seven dollars and fifty cents ($7.50) for the regular school year for health supervision and services, and the medical and hospitalization services, authorized by Article 1 (commencing with Section 11701) of Chapter 4 of Division 9.

All of such fees shall be deposited in the general fund of the district, and shall be expended only for the purposes for which such fees were collected.

SEC. 2. Section 25425.1 is added to the Education Code, to read:

25425.1. The governing board of a district maintaining a community college may require of pupils in attendance in grades 13 and 14 and employees of the district, the payment of a toll, in an amount not to exceed twenty dollars ($20) per semester or forty dollars ($40) per regular school year to be fixed by the board, for parking services.

Such toll shall only be required of pupils and employees using such services.

All such tolls collected shall be deposited in the general fund of the district and shall be expended only for parking services.

Tolls collected for use of parking services provided for by investment of student body funds under the authority of Section 10703.5 shall be deposited in a special fund for repayment to the student organization

"Parking services," as used in this section, means the purchase, construction, and operation and maintenance of parking facilities.

SEC. 3. Section 25545.29 of the Education Code is amended to read:

25545.29 Bonds shall bear interest at a rate of not to exceed 8 percent per annum, payable annually or semiannually or in part annually and in part semiannually

SEC. 4. Section 25545.36 of the Education Code is amended to read.

25545.36. Bonds may be sold at either public or private sale. The board may fix terms and conditions for the sale or

other disposition of any authorized issue of bonds. The county treasurer, when authorized by resolution of the board, may sell bonds at less than their par or face value, but no bond may be sold at a price below the par or face value thereof which would result in a sale price yielding to the purchaser an average of more than 8 percent per annum, payable semi-annually, according to standard tables of bond values.

CHAPTER 1184

An act to amend Section 5008.5 of the Public Resources Code, relating to the state park system.

[Approved by Governor September 15, 1970. Filed with Secretary of State September 15, 1970.]

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

SECTION 1. Section 5008.5 of the Public Resources Code is amended to read:

5008.5. In any prosecution charging a violation within any unit of the state park system of the rules and regulations of the department, the provisions of Section 267 or Chapter 5 (commencing with Section 650) of Division 3 of the Harbors and Navigation Code, or the rules and regulations of the Department of Navigation and Ocean Development, proof by the people of the State of California that the vehicle or vessel described in the complaint was parked or placed in violation of any provision of such statutes or rules and regulations together with proof that the defendant named in the complaint was, at the time of such parking or placing, the registered owner of the vehicle or vessel, shall constitute prima facie evidence that the registered owner of the vehicle or vessel was the person who parked or placed the vehicle or vessel at the point where, and for the time during which, the violation occurred, but such proof that a person is the registered owner of a vehicle or vessel is not prima facie evidence that such person has violated any other provision of law. The above provisions shall apply only when there has been compliance with the procedure required by Section 41103 of the Vehicle Code. Proof of a written lease of, or rental agreement for, a particular vehicle or vessel described in the complaint, on the date and time of such violation, which lease or rental agreement includes the name and address of the person to whom the vehicle or vessel is leased or rented, shall rebut the prima facie evidence that the registered owner was the person who parked or placed the vehicle at the time and place where the violation occurred.

Any charge under this section shall be dismissed when the person charged has made a bona fide sale or transfer of the vehicle or vessel and has delivered possession thereof to the purchaser and has complied with the requirements of subdivi-

sion (a) or (b) of Section 5602 of the Vehicle Code or with Section 710 of the Harbors and Navigation Code prior to the date of the alleged violation and has advised the court of the name and address of the purchaser.

CHAPTER 1185

An act to add Article 3.5 (commencing with Section 1858) to Chapter 2 of Title 3 of Part 4 of Division 3 of the Civil Code, relating to deposits.

[Approved by Governor September 15, 1970. Filed with Secretary of State September 15, 1970.]

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

SECTION 1. Article 3.5 (commencing with Section 1858) is added to Chapter 2 of Title 3 of Part 4 of Division 3 of the Civil Code, to read:

Article 3.5. Deposits for Repair, Alteration or Sale

1858. As used in this article:

(a) "Customer" means a natural person who deals with a depositary.

(b) "Depositary" means a person who in the ordinary course of business regularly receives property from customers for the purpose of repair or alteration.

(c) "Property" means personal property used for or intended for personal, family, or household purposes.

1858.1. Every depositary shall, upon accepting property from a customer, present the customer with written receipt which shall include a statement, if such is the case, that such deposited property is not insured or protected to the amount of the actual cash value thereof by the depositary against loss occasioned by theft, fire, and vandalism while such property remains with the depositary.

1858.2 Every depositary who fails to furnish the receipt, or a statement thereon as required by Section 1858.1, or who makes any misrepresentation in such receipt, shall be strictly liable to the customer for any loss occasioned by theft, fire, or vandalism while such property remains with the depositary and shall forfeit any lien or other right to hold the property arising from services rendered in holding, repairing, altering, or selling the property. When liability is imposed upon a depositary under this section it shall be deemed as having been imposed for the commission of a willful act for the purposes of Section 533 of the Insurance Code.

1858.3. If the depositary by insurance or by self-insurance does protect property deposited by customers for loss or damage occasioned by theft, fire or vandalism while such property remains with the depositary, such depositary need not make or deliver to customer any notice thereof.

CHAPTER 1186

An act to amend Section 10603 of the Education Code, relating to suspension or expulsion of pupils.

[Approved by Governor September 15, 1970. Filed with Secretary of State September 15, 1970.]

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

SECTION 1. Section 10603 of the Education Code is amended to read:

10603. (a) For the protection of other pupils in the public school, the governing board of any school district may suspend, or expel, and the superintendent or a principal of any school district when previously authorized by the governing board may suspend, a pupil whenever it is established to the satisfaction of the board or the superintendent or principal, respectively, that the pupil has on school premises or elsewhere used, sold, or been in possession of narcotics or other hallucinogenic drugs or substances, or has inhaled or breathed the fumes of, or ingested, any poison classified as such by Schedule "D" in Section 4160 of the Business and Professions Code.

(b) Every sheriff or chief of police who arrests a minor of compulsory school attendance age or any pupil currently enrolled in a public school through grade 12 for using, selling, or possessing narcotics or other hallucinogenic drugs or substances, or for having inhaled or breathed the fumes of, or ingested any poison classified as such in Section 4160 of the Business and Professions Code, when a petition is requested in juvenile court or a complaint filed in any court alleging that such minor is a person using, selling, or possessing narcotics or other hallucinogenic drugs or substances, or for having inhaled or breathed the fumes of, or ingested any poison classified as such in Section 4160 of the Business and Professions Code, shall without unnecessary delay give written notice to the superintendent of the school district of attendance.

(c) In any event where a sheriff or chief of police arrests a minor of compulsory school attendance age or any pupil currently enrolled in a public school through grade 12 for using, selling or possessing narcotics or other hallucinogenic drugs or substances, or for having inhaled or breathed the fumes of, or ingested any poison classified as such in Section 4160 of the Business and Professions Code and later releases such minor without filing a petition request with the juvenile court or a complaint in any court, the sheriff or chief of police may give written notice thereof to the superintendent of the school district of attendance if the sheriff or chief of police believes the school district will benefit by such notification.

CHAPTER 1187

An act to add Chapter 9 (commencing with Section 1170) to Part 2 of Division 1 of the Health and Safety Code, relating to drugs.

[Approved by Governor September 15, 1970. Filed with Secretary of State September 15, 1970.]

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

SECTION 1. Chapter 9 (commencing with Section 1170) is added to Part 2 of Division 1 of the Health and Safety Code, to read:

CHAPTER 9. DRUG ABUSE

1170. The Legislature recognizes that drug abuse should be viewed and treated as a public health problem, as well as a public law enforcement problem. The drug abuse problem has significant public impact and must in addition to law enforcement be given community educational, social, and health attention if prevention and amelioration is to be achieved. These approaches should be coordinated into a multiagency multifaceted program for drug abuse control in the counties of the state.

1171. The county board of supervisors in all counties of over 40,000 population shall designate a county officer to have the responsibility for developing a coordinated county-wide community drug abuse control plan, which includes prevention, treatment, rehabilitation, and education, and such plan shall be submitted to the board of supervisors. The board of supervisors may modify or amend the plan and shall forward it to the Human Relations Agency by January 1, 1971. Thereafter, the county officer and the board of supervisors shall similarly annually report the progress of such plan and may recommend any modifications of the plan which they deem appropriate.

In developing the plan, the county officer shall coordinate with the local community mental health services and include the program contributions to be made by educational institutions, health agencies, the district attorney, the sheriff, police department, probation departments, and other appropriate agencies. Such agencies shall cooperate with the county officer in the development of the plan. The plan shall include, but not be limited to, the following elements:

(a) Information and referral services.
(b) Education and prevention.
(c) Treatment.
(d) Rehabilitation.
(e) Research and evaluation.
(f) Coordination of community resources.

1173. The Human Relations Agency or its successor shall review, combine, and summarize the local drug abuse plans and submit them to the Legislature by March 1, 1971, together with its recommendations.

CHAPTER 1188

An act to amend Section 197.5 of the Civil Code, relating to children.

[Approved by Governor September 15, 1970. Filed with Secretary of State September 15, 1970.]

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

SECTION 1. Section 197.5 of the Civil Code is amended to read:

197.5. (a) If either the father or mother of an unmarried minor child is deceased, the parents of such deceased person may be granted reasonable visitation rights to the minor child during its minority by the superior court upon a finding that such visitation rights would be in the best interests of the minor child.

(b) Subdivision (a) of this section shall not apply if the child has been adopted by a person other than a stepparent. Any visitation rights granted pursuant to this section prior to the adoption of the child shall be automatically terminated upon such adoption.

CHAPTER 1189

An act to amend Section 69596 of the Government Code, relating to superior courts.

[Approved by Governor September 16, 1970. Filed with Secretary of State September 16, 1970.]

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

SECTION 1. Section 69596 of the Government Code is amended to read:

69596. In the City and County of San Francisco there shall be 26 judges of the superior court, any one or more of whom may hold court.

CHAPTER 1190

An act to amend Section 69594 of the Government Code, relating to judges.

[Approved by Governor September 16, 1970. Filed with Secretary of State September 16, 1970.]

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

SECTION 1. Section 69594 of the Government Code is amended to read:

69594. In the County of San Bernardino there shall be 12 judges.

SEC. 2. This act shall become operative on March 1, 1971.

CHAPTER 1191

An act to amend Section 69589 of the Government Code, relating to courts.

[Approved by Governor September 16, 1970 Filed with Secretary of State September 16, 1970]

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

SECTION 1. Section 69589 of the Government Code is amended to read:

69589. In the County of Merced there shall be three judges of the superior court.

CHAPTER 1192

An act to amend Sections 5799.1, 5799.2, 5799.3, 5799.4, 5799.11, 5799.12, 5799.16, 5799.18, 5799.19, 5799.20, 5799.23, 5799.41, 5799.46, 5799.47 of, and to add Section 5799.225 to, the Education Code, relating to mathematics improvement programs in the public schools.

[Approved by Governor September 16, 1970 Filed with Secretary of State September 16, 1970]

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

SECTION 1. Section 5799.1 of the Education Code is amended to read:

5799.1. The programs provided for by this chapter shall be afforded for pupils in grades 1 to 12, inclusive. The programs shall be administered under the direction of the Superintendent of Public Instruction and pursuant to rules and regulations of the State Board of Education which may be adopted to implement the provisions of this chapter. The rules and regulations of the State Board of Education shall prescribe minimum standards and criteria for all programs, and shall provide for the submission of periodic reports by all school districts participating in programs.

The programs authorized by this chapter may be consolidated or conducted in conjunction with other mathematics programs being conducted in the public schools, if the Superintendent of Public Instruction determines that evaluation of the programs authorized by this chapter is not rendered impracticable.

The Department of Education shall enter into a contract with the Regents of the University of California by December 1, 1970, subject to the concurrence of the regents, for the recruitment, training, designation, and supervision of the mathematics specialists employed in the mathematics specialist program provided for pursuant to Section 5799.18. The cost of such contract shall not exceed fifty thousand dollars ($50,000)

and shall be allocated from funds appropriated by Item 265 of the Budget Act of 1970.

Mathematics specialists to be employed pursuant to Section 5799.18 shall be selected by the school districts based upon a list of teachers of proven mathematical attainment, submitted by the Regents of the University of California.

SEC. 2. Section 5799.2 of the Education Code is amended to read:

5799.2. The State Board of Education shall select achievement tests to be administered to pupils who are participating in programs authorized by this chapter. The selection of such tests shall be with the advice of the Statewide Mathematics Advisory Committee.

SEC. 3. Section 5799.3 of the Education Code is amended to read:

5799.3. In addition to any tests otherwise required to be administered to pupils by this chapter, the State Board of Education, on the advice of the Statewide Mathematics Advisory Committee, shall develop an achievement test in mathematics for grades 3, 6, and 8. The test shall measure the degree to which mathematics programs in the public schools meet the objectives of the revised outline of the mathematics curriculum developed by the Statewide Mathematics Advisory Committee.

This test may be designated by the State Board of Education for use in studies to evaluate state recommended course content as authorized by Section 12840 and for other appropriate assessment purposes.

SEC. 4. Section 5799.4 of the Education Code is amended to read:

5799.4. The State Board of Education shall, on or before the 30th legislative day of the 1968, 1969, 1970, 1971, and 1972 Regular Sessions of the Legislature, report to the Legislature concerning the progress and the extent of the participation in the programs established pursuant to this chapter in school districts in the state. Such reports shall provide an evaluation of the effectiveness of the programs, as ascertained to the respective dates of the reports.

SEC. 5. Section 5799.11 of the Education Code is amended to read:

5799.11. The experimental programs prescribed by this article shall, when established, be conducted as pilot programs as follows: the specialized teacher program for six consecutive years, from fiscal 1968–1969 through 1973–1974; the mathematics specialist program for six consecutive years, from fiscal 1968–1969 through 1973–1974; the accelerated instructional program in mathematics for five consecutive years, from fiscal 1968–1969 through 1972–1973.

SEC. 6. Section 5799.12 of the Education Code is amended to read:

5799.12. The governing board of a school district maintaining elementary schools may establish a specialized teacher program in mathematics. The program shall be established for

grades 2 and 5 during the fiscal year 1968–1969, and may be expanded in the fiscal years 1969–1970 through 1973–1974 to include, also, grades 1 to 8, inclusive. To the maximum extent practicable, the programs established after the first year shall include pupils who participated in programs established the preceding year.

SEC. 7. Section 5799.16 of the Education Code is amended to read:

5799.16. The State Board of Education shall establish regional in-service training programs for specialized teachers in mathematics, to be conducted in each of the fiscal years 1968–1969, 1969–1970, 1970–1971, 1971–1972, 1972–1973, and 1973–1974. The programs shall be conducted in the summer months in each of the fiscal years at centralized locations in the state. Instruction and training shall be provided by experts in mathematics from public and private institutions of higher education and from other fields of endeavor, as determined by the board.

The governing board of each school district which has applied to establish a specialized teacher program in mathematics may nominate to the State Board of Education teachers employed by the district for participation in regional in-service training programs. For every four teachers designated to participate in summer regional in-service training, a district may nominate one of its supervisors or administrators to the training program. For every eight teachers, a district shall nominate one supervisor or administrator.

The location of centers where the in-service training is to be provided, and the form and content of the instruction and training afforded, shall be determined by the State Board of Education upon recommendation of the Superintendent of Public Instruction and the Statewide Mathematics Advisory Committee.

SEC. 8. Section 5799.18 of the Education Code is amended to read:

5799.18. The governing board of a school district maintaining elementary schools may establish a mathematics specialist program. The program shall be established for grades 2 and 5 in the fiscal year 1968–1969, and may be expanded in the fiscal year 1969–1970 to include, also, grades 3 and 6, and in 1970–1971 to 1973–1974, inclusive, to include, also, grades 1 and 4. Mathematics specialists may also be provided for pupils in grades 7 to 12, inclusive, provided such pupils have completed a minimum of one year of the program in grades 1 to 6, inclusive. To the maximum extent practicable, the programs established after the first year shall include pupils who participated in programs during the preceding year.

SEC. 9. Section 5799.19 of the Education Code is amended to read:

5799.19. The mathematics specialist program shall entail the designation of mathematics specialists to provide instruc-

tion in mathematics. The specialists designated for such purposes shall be well trained in mathematics and have an educational background of at least a collegiate major in one of the mathematical sciences. For purposes of the designation of mathematics specialists and their performance of duties under this article, any requirements prescribed or pursuant to law in terms of educational qualifications or background which would limit or bar the designation or the performance of the services shall be deemed inapplicable.

SEC. 10. Section 5799.20 of the Education Code is amended to read:

5799.20. The mathematics specialist shall supplement the work of regular classroom teachers, and shall teach concepts underlying mathematical techniques, with the pupils' regular classroom teachers continuing to provide instruction in arithmetic and remaining responsible for the pupils' acquisition of mathematical skills. No less than 16 regular class hours per week shall be devoted by each mathematics specialist to the instruction of pupils, and not to exceed four regular class hours per week shall be devoted by each such specialist to in-service training of regular teachers. Mathematics specialists shall be required, at least once each school week, to meet for group discussion and evaluation of the mathematics specialist programs.

SEC. 11. Section 5799.225 is added to the Education Code, to read:

5799.225. The State Board of Education shall direct the testing of pupils for purposes of evaluating the effectiveness of the mathematics specialist programs in the several school districts in which the same are established and shall designate and provide the tests to be administered to pupils.

SEC. 12. Section 5799.23 of the Education Code is amended to read:

5799.23. The governing board of a school district maintaining high schools may establish an accelerated instructional program in mathematics. The program shall extend for five consecutive fiscal years commencing with the fiscal year 1968–1969. The instruction involved shall be provided for pupils in grades 7 through 12, inclusive, with demonstrated aptitude and talent for mathematics. The program shall consist of all areas of mathematics including the basic principles and operations of calculus. Each program within a district shall be established and maintained with the active participation, cooperation, and counsel of a public or private university or college. Evaluation of the program's effectiveness shall be by joint action of the district and the college or university.

SEC. 13. Section 5799.41 of the Education Code is amended to read:

5799.41. The tests selected by the State Board of Education for purposes of the experimental programs in mathematics shall be provided and distributed by the Superintendent of

Public Instruction free of charge, as needed, to school districts participating in the programs.

SEC. 14. Section 5799.46 of the Education Code is amended to read:

5799.46. From funds appropriated therefor by the Legislature, the Superintendent of Public Instruction shall pay the costs of the regional in-service training programs for specialized teachers in mathematics including the salaries of persons employed to provide instruction and training. From such funds teachers in attendance shall be reimbursed for living and traveling expenses necessarily incurred for such purposes, and shall be paid a nominal stipend. All expenses incurred for training of the supervisors or administrators, or both, shall be borne by the districts.

SEC. 15. Section 5799.47 of the Education Code is amended to read:

5799.47. From funds which may be appropriated therefor, the Superintendent of Public Instruction shall reimburse school districts for the expenses incurred, pursuant to contractual arrangement, in securing the participation and cooperation of colleges and universities in providing the accelerated instructional program in mathematics in grades 7 to 12, inclusive.

CHAPTER 1193

An act to amend Sections 11710 11713, and 11730 of the Government Code, relating to electronic data processing.

[Approved by Governor September 16, 1970. Filed with Secretary of State September 16, 1970.]

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

SECTION 1. Section 11710 of the Government Code is amended to read:

11710. There is in the state government an Intergovernmental Board on Electronic Data Processing, hereafter referred to as the board.

It shall consist of 14 members and alternates appointed by the Governor with five members from state government representing the Transportation Agency, the Resources Agency, the Human Relations Agency, the Agriculture and Services Agency, and the Department of Justice, three members representing county governments, three members representing city governments, and three members representing school districts. County representatives will be selected from among candidates nominated by the County Supervisors Association of California. City representatives will be selected from among candidates nominated by the League of California Cities. One school district representative will be selected from among candidates nominated by the California Association of School Administrators; one will be selected from among candidates nominated by the California School Boards Association; and

one will be selected from among candidates nominated by the California State Board of Education. Each of the state government agencies and the educational organizations represented will have a designated alternate. The counties collectively will have a designated alternate, as will the cities collectively. Alternates may attend all meetings and will have full voting power in the absence of a regular member whom the alternate represents. The board will elect its own chairman. Members of the board shall receive no compensation for their services, except for the chairman who shall be reimbursed for his expenses actually and necessarily incurred by him in the performance of his duties under this act.

SEC. 2. Section 11713 of the Government Code is amended to read:

11713. The board shall have the authority to:

(a) Require that governmental electronic data processing systems comply with the determinations established pursuant to Section 11711;

(b) Select and recommend for appointment by the Governor an executive secretary and other necessary staff support;

(c) Receive and disburse funds, including the acquisition and administration of grants-in-aid and the contracting for services, the purpose of which is to advance the work of the board as previously defined;

(d) Appoint such advisory groups as may be necessary to carry out its function;

(e) Be the hearing body to consider and recommend solutions to unreconciled systems conflicts which may arise between levels or units of government.

SEC. 3. Section 11730 of the Government Code is amended to read:

11730. There is in the state government an Office of Management Services. The organizational placement of this office shall be at the discretion of the Governor. The Office of Management Services shall be staffed by a director appointed by the Governor, a deputy director; and a small group of specialists in the information sciences, cost effectiveness and systems planning.

CHAPTER 1194

An act to amend Section 43068 of the Government Code, relating to city taxes.

[Approved by Governor September 16, 1970 Filed with Secretary of State September 16, 1970]

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

SECTION 1. 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, exclusive of such tax as may be necessary to pay the expense of workmen's compensation insurance and health and medical benefits for municipal officers and employees 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.

CHAPTER 1195

An act to add Chapter 10 (commencing with Section 15500) to Part 3 of Division 9 of the Welfare and Institutions Code, relating to public social services.

[Approved by Governor September 16, 1970. Filed with Secretary of State September 16, 1970.]

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

SECTION 1. Chapter 10 (commencing with Section 15500) is added to Part 3 of Division 9 of the Welfare and Institutions Code, to read:

CHAPTER 10. SUPPLEMENTAL FOOD PROGRAM

Article 1. General Provisions

15500. Unless the context otherwise requires the definitions set forth in this article govern the construction of this chapter.

15501. "Supplemental food" means commodities specifically made available by the United States Department of Agriculture for persons in low-income groups vulnerable to malnutrition.

15502. "Groups vulnerable to malnutrition" means women during and for 12 months after pregnancy, infants through 12 months, and preschool children 1 year through 5 years.

15503 Persons from low-income groups include the following:

(a) Persons receiving medical assistance under Chapter 7 (commencing with Section 14000) of this part

(b) Persons qualified to receive free health care or health care that is substantially free provided by the Office of Eco-

nomic Opportunity's Neighborhood Health Center Program or state, county, or local public health services.

(c) Persons eligible for treatment, correction of defects, or aftercare in the children and youth projects of the Department of Health, Education, and Welfare.

(d) Indians receiving free medical and health care from the Division of Indian Health, United States Public Health Service.

15504. Public social services as defined in Section 10051 also includes the supplemental food program provided in this chapter.

Article 2. Administration

15510. The director shall administer the provisions of this chapter and shall adopt such rules and regulations as are necessary to carry out the provisions of this chapter.

15511. The county welfare department shall carry out the local administrative responsibilities of this chapter, subject to the supervision of the department and to rules and regulations adopted by the department.

15512. Application for supplemental food shall be made to the county welfare agency who shall determine program eligibility

15513. The county welfare department shall contract with the local health department to determine the need of eligible persons for the nutrients in supplemental food and the local health department shall issue prescriptions for such food in specified amounts and varieties judged necessary for such persons health.

15514. The California State Education Agency for Surplus Property shall procure, store, handle, and dispose of supplemental food under rules and regulations of the department established pursuant to this chapter.

Article 3. Fiscal Provisions

15520. The department shall pay the nonfederal share of the administration of program pursuant to this chapter.

CHAPTER 1196

An act to amend Section 24205 of the Education Code and to amend Section 10203.1 of the Insurance Code, relating to the California State Colleges.

[Approved by Governor September 16, 1970. Filed with Secretary of State September 16, 1970.]

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

SECTION 1. Section 24205 of the Education Code is amended to read:

24205. The trustees, subject to such conditions as they may establish, may enter into contracts of group life insurance and

contracts of group disability insurance or protection with respect to any class of their employees they may designate or with respect to all such employees, with any insurer, medical service plan, or nonprofit hospital service plan corporation they may select; provided, that all applicable provisions of state law relating to any such coverage, or to the qualifications of the provider of coverage, are satisfied.

SEC. 2. Section 10203.1 of the Insurance Code is amended to read:

10203.1. Life insurance conforming to all the following conditions is another form of group life insurance:

(a) Written under a policy covering, when issued, not less than 25 employees of the Trustees of the California State Colleges in eligible classes as designated by the trustees pursuant to Section 24205 of the Education Code.

(b) Written under a policy issued to the Trustees of the California State Colleges pursuant to Section 24205 of the Education Code.

(c) The premium on the policy is to be paid by such employees alone, or in part by the State of California with the remainder to be paid by such employees. Payment of such premium by a third party on behalf of such employees shall be considered payment by such employees.

(d) Insuring only such employees of the Trustees of the California State Colleges.

(e) Insuring for amounts of insurance based upon some plan which will preclude individual selection.

(f) Insuring for the benefit of persons other than the Trustees of the California State Colleges.

(g) Written under a policy insuring, when issued, not less than 75 percent of all such employees eligible for insurance under the policy, or 75 percent of such employees of any class thereof reasonably determined by conditions pertaining to employment or of any established unit thereof not formed for the purpose of procuring insurance; provided, that if a group policy is intended to insure several such classes or units it may be issued as respects any such class or unit of which 75 percent are covered and extended to other such units or classes as 75 percent thereof express the desire to be covered. In such case, when such employees apply and pay for additional amounts of insurance, a smaller percentage of such employees may be insured for such additional amounts of insurance. If any such employee fails to become insured under an existing policy when he becomes eligible and later wishes to become insured thereunder, the insurer may require satisfactory evidence of insurability before insurance is granted on such employee.

CHAPTER 1197

An act to add Section 25543.9 to the Education Code, relating to community colleges.

[Approved by Governor September 16, 1970. Filed with Secretary of State September 16, 1970.]

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

SECTION 1. Section 25543.9 is added to the Education code, to read:

25543.9. In accordance with standards and limitations contained in the Budget Act, funds allocated by the state for community college construction purposes may be used to provide carpeting in any community college facility constructed with such funds.

CHAPTER 1198

An act to amend Section 21951 of the Education Code, relating to school district bonds.

[Approved by Governor September 16, 1970. Filed with Secretary of State September 16, 1970.]

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

SECTION 1. Section 21951 of the Education Code is amended to read:

21951. If any bonds authorized under the provisions of Sections 21701 and 21702, and Sections 21704 to 21800, inclusive, and Sections 21806 to 22152, inclusive, have not been offered for sale for one year from the date of the election at which they were authorized or remain unsold for a period of six months after having been offered for sale in the manner prescribed by the board of supervisors, the governing board of the district, for which the bonds were authorized, may petition the board of supervisors that has jurisdiction of the issuance and sale of the bonds to cause the unsold bonds to be canceled.

CHAPTER 1199

An act to provide for pilot projects for tutoring by college volunteers of elementary and secondary students in language development and mathematics.

[Approved by Governor September 16, 1970. Filed with Secretary of State September 16, 1970.]

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

SECTION 1. The Legislature finds and declares that Operation SHARE, developed and operated by the Santa Clara

County Superintendent of Schools, preliminarily has had outstanding academic results in comparison with other educational programs and has provided a highly constructive avenue for dedicated students in higher education to demonstrate their serious concern for their communities. The Legislature further finds that Operation SHARE could be successfully implemented in, and should be seriously considered by, other school districts with similar needs in addition to the 35 districts presently involved in this program; and further finds that projects of this design, which entail one volunteer tutor working with one underachieving student with severe language handicaps primarily due to problems of English being the second language in the student's home, should be a positive program to increase student performance.

SEC. 2. To demonstrate the cost effectiveness of such programs the Legislature proposes to fund an expansion of this program to three areas in the state with similar student needs and the ability to operate such programs.

SEC. 3. Beginning with the 1971–1972 school year, the Superintendent of Public Instruction shall when funds have been appropriated for this purpose establish three pilot SHARE projects in cooperation with the Santa Clara County Superintendent of Schools.

It shall be the purpose of such projects to:

(1) Demonstrate the cost effectiveness of volunteer tutors working with underachieving students to increase their academic success in reading and mathematics.

(2) To expand such programs statewide with eventual local funding from regular school district financial sources.

(3) Demonstrate that the use of volunteer tutors on a one-to-one basis is a viable method of increasing student achievement and providing experience for future teachers.

(4) Demonstrate that such tutors working in the homes of language-handicapped pupils can have a significant impact on the total educational experience.

(5) Test the thesis that large numbers of students in higher education are willing and able to enter into successful community efforts to improve the academic performance of the public schools.

Projects pursuant to this act shall be coordinated by the county superintendent of schools.

SEC. 4. County offices of education of counties designated by the Superintendent of Public Instruction as eligible counties, shall submit project applications to the Superintendent of Public Instruction for funding pursuant to this act. The superintendent shall, from funds appropriated for such purposes, allocate an amount of money not to exceed thirty dollars ($30) per tutor per academic semester to three projects. Such funds may be used for local administration, coordination, recruitment, and evaluation. No funds may be used to pay salaries or benefits for tutors.

The Superintendent of Public Instruction shall provide for state evaluation of such projects on a cost-effectiveness basis and shall report to the State Board of Education and the Legislature on an annual basis as to the success of such projects and shall make a final report to such bodies on or before the fifth calendar day of the 1974 session, setting forth his view of the effect of such projects and recommending methods by which the Legislature and the board may provide for the expansion of successful projects.

The Superintendent of Public Instruction shall adopt reasonable rules and regulations to carry out the intent and purpose of this act.

SEC. 5. This act shall remain in effect until June 30, 1974, and shall have no force or effect after such date.

CHAPTER 1200

An act to add Section 5958 to the Education Code, relating to continuation education classes.

[Approved by Governor September 16, 1970 Filed with Secretary of State September 16, 1970]

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

SECTION 1. Section 5958 is added to the Education Code, to read:

5958. The governing board of a school district or school districts, as the case may be, maintaining special continuation education classes shall provide for an independent study of the effectiveness of such program and shall file a copy of the report on such study with the Department of Education.

CHAPTER 1201

An act to amend Section 75.7 of the Streets and Highways Code, relating to state highways.

[Approved by Governor September 16, 1970 Filed with Secretary of State September 16, 1970]

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

SECTION 1. Section 75.7 of the Streets and Highways Code is amended to read:

75.7. Upon the selection, adoption, and determination of the location for a state highway or freeway, the commission shall prepare and disseminate to interested persons and public agencies a report thereon which shall contain the basis for its

decision, including, but not limited to, the consideration given to the following factors:

(a) Driver benefits.
(b) Community values.
(c) Recreational and park areas.
(d) Historical and aesthetic values.
(e) Property values, including impact on local tax rolls.
(f) State and local public facilities.
(g) City street and county road traffic.
(h) Total projected regional transportation requirements.
(i) Information furnished by any school district.
(j) Environmental values and impact on the ecology of the area.
(k) Local and regional plans.

SEC. 2. Section 75.7 of the Streets and Highways Code is amended to read:

75.7. Upon the selection, adoption, and determination of the location for a state highway or freeway, the commission shall prepare and disseminate to interested persons and public agencies a report thereon which shall contain the basis for its decision, including, but not limited to, the consideration given to the following factors:

(a) Driver benefits.
(b) Community values.
(c) Recreational and park areas.
(d) Historical and aesthetic values.
(e) Property values, including impact on local tax rolls.
(f) State and local public facilities.
(g) City street and county road traffic.
(h) Total projected regional transportation requirements.
(i) Information furnished by any school district.
(j) Impact on agricultural values.
(k) Environmental values and impact on the ecology of the area.
(*l*) Local and regional plans.

SEC. 3. Section 75.7 of the Streets and Highways Code is amended to read:

75.7. Upon the selection, adoption, and determination of the location for a state highway or freeway, the commission shall prepare and disseminate to interested persons and public agencies a report thereon which shall contain the basis for its decision, including, but not limited to, the consideration given to the following factors:

(a) Driver benefits.
(b) Community values.
(c) Recreational and park areas.
(d) Historical and aesthetic values.
(e) Property values, including impact on local tax rolls.
(f) State and local public facilities.
(g) City street and county road traffic.
(h) Total projected regional transportation requirements.

(i) Information furnished by any school district.
(j) Noise impact upon the communities affected.
(k) Environmental values and impact on the ecology of the area.
(*l*) Local and regional plans.

SEC. 4. Section 75.7 of the Streets and Highways Code is amended to read:

75.7. Upon the selection, adoption, and determination of the location for a state highway or freeway, the commission shall prepare and disseminate to interested persons and public agencies a report thereon which shall contain the basis for its decision, including, but not limited to, the consideration given to the following factors:

(a) Driver benefits.
(b) Community values.
(c) Recreational and park areas.
(d) Historical and aesthetic values.
(e) Property values, including impact on local tax rolls.
(f) State and local public facilities.
(g) City street and county road traffic.
(h) Total projected regional transportation requirements.
(i) Information furnished by any school district.
(j) Noise impact upon the communities affected.
(k) Impact on agricultural values.
(*l*) Environmental values and impact on the ecology of the area.
(m) Local and regional plans.

SEC. 5. It is the intent of the Legislature, if amendments to Section 75.7 of the Streets and Highways Code proposed by both this bill and S.B. 59, but not those proposed by S.B. 1077, are enacted, that both amendments be given effect and incorporated in Section 75.7 in the form set forth in Section 2 of this act. Therefore, in the event S.B. 59 is enacted and amends Section 75.7, Section 2 of this act shall become operative at the same time that Section 75.7 as amended by S.B. 59 becomes operative, and at that time, Section 75.7 of the Streets and Highways Code as amended by Sections 1, 3, and 4 of this act is repealed.

SEC. 6. It is the intent of the Legislature, if amendments to Section 75.7 of the Streets and Highways Code proposed by both this bill and S.B. 1077, but not those proposed by S.B. 59, are enacted, that both amendments be given effect and incorporated in Section 75.7 in the form set forth in Section 3 of this act. Therefore, in the event S.B. 1077 is enacted and amends Section 75.7, Section 3 of this act shall become operative at the same time that Section 75.7 as amended by S.B. 1077 becomes operative, and at that time, Section 75.7 of the Streets and Highways Code as amended by Sections 1, 2, and 4 of this act is repealed.

SEC. 7. It is the intent of the Legislature, if amendments to Section 75.7 of the Streets and Highways Code proposed by this bill, S.B. 59, and S.B. 1077 are enacted, that all three

amendments be given effect and incorporated in Section 75.7 in the form set forth in Section 4 of this act. Therefore, in the event that both S B 59 and S B. 1077 are enacted and amend Section 75.7, Section 4 of this act shall become operative at the same time that Section 75 7 as amended by S.B. 59 and S.B. 1077 become operative, and at that time, Section 75.7 of the Streets and Highways Code as amended by Sections 1, 2, and 3 of this act is repealed.

CHAPTER 1202

An act to add Sections 263 and 268 to the Revenue and Taxation Code, relating to the property taxation.

[Approved by Governor September 16, 1970 Filed with Secretary of State September 16, 1970]

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

SECTION 1. Section 263 is added to the Revenue and Taxation Code, to read:

263. Any tax or penalty or interest thereon for any fiscal year commencing during the calendar year 1970 on property as to which the exemptions named in this article were available for such fiscal year, and for which exemption an affidavit was required to be filed in 1970 by March 15 but was not filed by that date but before April 15, 1970, shall be canceled pursuant to Article 1 (commencing with Section 4986) of Chapter 4 of Part 9 of this division as if it had been levied or charged erroneously.

SEC. 2. Section 268 is added to the Revenue and Taxation Code, to read:

268. Any tax or penalty or interest thereon for any fiscal year commencing during the calendar years 1965 or 1966 on property owned by a nonprofit corporation which would otherwise qualify for the welfare exemption, except that at the lien date for that year the articles of incorporation of any such nonprofit corporation lacked correctly stated language with respect to irrevocable dedication to proper charitable purposes and noninurement of benefit to a private person in the event of dissolution, shall be canceled pursuant to Article 1 (commencing with Section 4986) of Chapter 4 of Part 9 of this division, or, if paid, a refund thereof shall be made pursuant to Article 1 (commencing with Section 5096) of Chapter 5 of Part 9 of this division, if the nonprofit corporation does all of the following:

(1) Files an affidavit with the assessor that the property of the nonprofit corporation was at that time and has been since then irrevocably dedicated to religious, charitable, scientific, or hospital purposes and upon liquidation, dissolution or abandonment of the owner would not inure to the benefit of any private person, except a fund, foundation or corpora-

tion organized and operated for religious, hospital, scientific or charitable purposes.

(2) Amended its articles of incorporation prior to the calendar year 1968 to provide that the property of the nonprofit corporation is irrevocably dedicated to charitable, scientific, or hospital purposes and upon 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 charitable, scientific or hospital purposes.

This section shall remain in effect until one year after the effective date of the enactment of this section at the 1970 Regular Session of the Legislature and shall thereafter be of no force or effect.

CHAPTER 1203

An act relating to the construction of a regional occupational center, and making an appropriation therefor.

[Approved by Governor September 16, 1970. Filed with Secretary of State September 16, 1970.]

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

SECTION 1. It is the intent of the Legislature in enacting this act to finance the capital expenditures involved in the construction, equipping, and establishment of a regional occupational center to be maintained by the Fresno Unified School District, to serve an area in great need of occupational preparation. It is the further intent of the Legislature, by this act, to improve the employment opportunities of persons residing in areas of need for such training by providing education programs of a nature that will serve the social and economic needs of that area. The program provided will also serve to upgrade the cultural and intellectual life, as well as the economic life, of the area to be served.

The Legislature finds that the Fresno Unified School District has made available land and existing facilities for a regional occupational center school, provided that a permanent campus can be established at the site within 16 months. For this reason, it is essential that the money made available for purposes of this act be allocated to the establishment of a permanent campus for a regional occupational center school at Fresno.

It is further the intent of the Legislature that the regional occupational center to be established in the Fresno Unified School District shall conform with the requirements of state law in regard to the establishment of regional occupational centers pursuant to Chapter 14 (commencing with Section 7450) of Division 6 of the Education Code.

SEC. 2. Any amounts allocated and disbursed to the Fresno Unified School District pursuant to this act shall be a loan

by the state to the district and shall be fully repaid with interest by the district to the state in such annual amounts and over such period as may be determined by the State Allocation Board, not to exceed 20 years from the date of disbursement to the district. Interest shall be paid at a rate determined by the State Allocation Board. Any such loan shall be repaid by the district from proceeds of a district tax levied in the manner prescribed in Section 7456 of the Education Code, but at a rate on each one hundred dollars ($100) of assessed valuation in the district sufficient to make the payments required by the State Allocation Board, notwithstanding the limitations contained in Section 7456 of the Education Code.

The tax revenue referred to in this act shall be transferred by the County Auditor of Fresno to the State Treasury for the credit of the State School Building Aid Fund in accordance with established regulations and procedures.

SEC. 3. An amount not to exceed two million five hundred thousand dollars ($2,500,000) from the proceeds of bonds issued pursuant to the State School Building Aid Bond Law of 1966 shall be expended for purposes of this act. The funds shall be allocated by the State Allocation Board to the Board of Education of the Fresno Unified School District for the remodeling and construction of a permanent campus for a newly created regional occupational center school to be located in Fresno County. Not to exceed two hundred fifty thousand dollars ($250,000) of such sum shall be allocated and expended for architectural and engineering services in connection with the construction.

Sections 19551 to 19555, inclusive, and Sections 19559, 19562, 19565, and 19699.10 of the Education Code shall be applicable to the administration of this act unless the context of this act, as determined by the State Allocation Board, requires otherwise.

CHAPTER 1204

An act to add Section 3011 to the Education Code, relating to school districts.

[Approved by Governor September 16, 1970. Filed with Secretary of State September 16, 1970.]

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

SECTION 1. Section 3011 is added to the Education Code, to read:

3011. A unified school district whose formation involved the division of a high school district and whose formation was approved by the State Board of Education and by the electorate of the school district at an election held on December 10, 1968, shall be a unified school district organized for all purposes in accordance with the standards and requirements prescribed by this division, and the territory included in the

district shall not be subject to unification pursuant to the county master plan for school district organization; nor shall it be subject to the provisions of Articles 2.5 (commencing with Section 17680) and 3 (commencing with Section 17701) of Chapter 3 of Division 14, and Chapter 3.5 (commencing with Section 20910) of Division 16, which relate to the computation of areawide aid for purposes of state apportionments and the levy and collection of areawide taxes.

CHAPTER 1205

An act to amend Sections 790.03, 1033, 1062, 1063, 1063.1, 1063.2, 1063.3, 1063.4, 1063.5, 1063.6, 1063.7, 1063.8, 1063.9, 1063.10, and 1063.12 of, and to add Sections 1025.5, 1030.5, 1035.5, and 1063.13 to, the Insurance Code, relating to insolvent insurers.

[Approved by Governor September 16, 1970. Filed with Secretary of State September 16, 1970.]

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

SECTION 1. Section 790.03 of the Insurance Code is amended to read:

790.03. The following are hereby defined as unfair methods of competition and unfair and deceptive acts or practices in the business of insurance.

(a) Making, issuing, circulating, or causing to be made, issued or circulated, any estimate, illustration, circular or statement misrepresenting the terms of any policy issued or to be issued or the benefits or advantages promised thereby or the dividends or share of the surplus to be received thereon, or making any false or misleading statement as to the dividends or share of surplus previously paid on similar policies, or making any misleading representation or any misrepresentation as to the financial condition of any insurer, or as to the legal reserve system upon which any life insurer operates, or using any name or title of any policy or class of policies misrepresenting the true nature thereof, or making any misrepresentation to any policyholder insured in any company for the purpose of inducing or tending to induce such policyholder to lapse, forfeit, or surrender his insurance.

(b) Making or disseminating or causing to be made or disseminated before the public in this state, in any newspaper or other publication, or any advertising device, or by public outcry or proclamation, or in any other manner or means whatsoever, any statement containing any assertion, representation or statement with respect to the business of insurance or with respect to any person in the conduct of his insurance business, which is untrue, deceptive or misleading, and which is known, or which by the exercise of reasonable care should be known, to be untrue, deceptive or misleading.

(c) Entering into any agreement to commit, or by any concerted action committing, any act of boycott, coercion or intimidation resulting in or tending to result in unreasonable restraint of, or monopoly in, the business of insurance.

(d) Filing with any supervisory or other public official, or making, publishing, disseminating, circulating or delivering to any person, or placing before the public, or causing directly or indirectly, to be made, published, disseminated, circulated, delivered to any person, or placed before the public any false statement of financial condition of an insurer with intent to deceive.

(e) Making any false entry in any book, report or statement of any insurer with intent to deceive any agent or examiner lawfully appointed to examine into its condition or into any of its affairs, or any public official to whom such insurer is required by law to report, or who has authority by law to examine into its condition or into any of its affairs, or, with like intent, willfully omitting to make a true entry of any material fact pertaining to the business of such insurer in any book, report or statement of such insurer.

(f) Making or permitting any unfair discrimination between individuals of the same class and equal expectation of life in the rates charged for any contract of life insurance or of life annuity or in the dividends or other benefits payable thereon, or in any other of the terms and conditions of such contract.

(g) Making or disseminating, or causing to be made or disseminated, before the public in this state, in any newspaper or other publication, or any other advertising device, or by public outcry or proclamation, or in any other manner or means whatever, whether directly or by implication, any statement that a named insurer, or named insurers, are members of the California Insurance Guarantee Association, or insured against insolvency as defined in Section 119.5. This subdivision shall not be interpreted to prohibit any activity of the California Insurance Guarantee Association or the commissioner authorized, directly or by implication, by Article 14.2 (commencing with Section 1063) of this chapter.

SEC. 1.1. Section 1025.5 is added to the Insurance Code, to read:

1025.5. Notwithstanding the provisions of Sections 1021 to 1025, inclusive, the commissioner may, in lieu of requiring claimants to file separate claims:

(a) File a claim himself on behalf of all claimants for return premiums.

(b) Permit any assignee of the right of the insured to a return premium by virtue of a valid assignment, as security or otherwise, made prior to an order under Section 1011 or a seizure under Section 1013, whichever is earlier in time in the particular case, to file one claim as assignee on behalf of all insureds having assigned rights to the assignee, which shall

set forth such information as may be required under Section 1023.

(c) Permit the California Insurance Guarantee Association to file one claim combining all claims assigned to the association under subdivision (b) of Section 1063.4, which shall set forth such information as the commissioner may require.

SEC. 1.3. Section 1030.5 is added to the Insurance Code, to read:

1030.5. (a) The liquidator may require, as a condition of payment of the final liquidation dividend to a lender, or his assignee, who has filed a claim for an unearned premium as an assignee of the insured for valuable consideration, that such assignee of the insured shall assign to the liquidator all his right, title, and interest in any unsatisfied debt of the insured to such assignee, pertaining to policies of the insolvent insurer, remaining unpaid after crediting the final liquidation dividend, if the amount of such unsatisfied debt is less than one hundred dollars and one cent ($100.01).

The liquidator may also require, as condition precedent, the delivery to him of all the documents giving rise to such debt.

The liquidator, in his sole discretion, may determine whether or not it will be feasible to attempt to collect any such assigned debt. If he determines not to pursue collection of any such debt, he shall file a declaration to that effect with the liquidation court and be relieved of any further responsibility in respect to such debt.

(b) As used in this section, "insured" means a natural person who purchased insurance from the insolvent insurer for personal, family, or household purposes.

SEC. 1.5. Section 1033 of the Insurance Code is amended to read:

1033. Claims allowed in a proceeding under this article shall be given preference in the following order:

1. Expense of administration.
2. Unpaid charges due under the provisions of Section 736.
3. Taxes due to the State of California.
4. Claims having preference by the laws of the United States and by laws of this state.
5. All claims of the California Insurance Guarantee Association together with claims for refund of unearned premiums.
6. All other claims.

Upon the issuance of an order appointing a conservator or liquidator for any person under the provisions of either Section 1011 or 1016 or both such sections, the lien of taxes due to the State of California imposed by Article 4 (commencing with Section 12491), Chapter 4, Part 7, Division 2 of the Revenue and Taxation Code shall become subordinate to the reasonable administrative expenses of the proceeding under said order.

SEC. 2. Section 1035.5 is added to the Insurance Code, to read:

1035.5. In any proceeding under this article involving the insolvency of an insurer required to be a member of the California Insurance Guarantee Association, the commissioner shall have the power, when, in his judgment, circumstances warrant, and subject to the approval of the court, to advance funds from the estate to such association for the purpose of paying claims and loss adjustment expenses. Any funds so advanced shall be a credit against any claims subsequently filed by the association.

SEC. 2.5. Section 1062 of the Insurance Code is amended to read:

1062. In the event of the entry of an order under Section 1011 or 1016 of this article affecting any person having members, subscribers or policyholders, hereinafter referred to as "members" who are liable for assessment by law or by the provisions of their policies or contracts, and in which the termination of the policy or contract does not relieve the member from such liability, where the commissioner in his discretion decides that an assessment would be in order, the liability of such members shall be determined, and the assessment therefor levied in the following manner:

1. Within one year from the date of the entry of the order under the provisions of Section 1011 or 1016 of this article, the commissioner shall make a report to the court setting forth: (a) the reasonable value of the assets of such person; (b) its probable liabilities, including reasonable costs of liquidation; and (c) the probable necessary assessment, if any, to pay all claims in full.

2. Upon the basis of such report, including any amendments thereof, the court shall determine the basis for calculating the liability of each member, subscriber or policyholder and shall order the commissioner to determine the amount of liability of each of the members.

3. Thereafter the commissioner shall give notice to each member, subscriber or policyholder of the amount of his liability by inclosing notice thereof in a sealed envelope, addressed and mailed, postage prepaid, to each member, subscriber or policyholder at his last known address as the same appears upon the books of the insurer.

4. Not less than 20 days after the mailing of said notice, as provided in paragraph 3 of this section, the commissioner shall report to the court the names of the members, subscribers or policyholders who have failed to pay their assessment in accordance with said notice, whereupon the court shall issue an order directing each of said members, subscribers or policyholders to appear in said court and show cause in the proceedings pending against such person, why he should not be held liable to pay such assessment, and why the commissioner should not have judgment therefor.

5. The commissioner shall cause a notice of such order setting forth a brief summary of the contents thereof: (a) to be published in such manner as shall be directed by the court;

and (b) to be inclosed in a sealed envelope, addressed and mailed by registered mail with return receipt requested, postage prepaid, to each of said members whose liability for assessment remains unpaid, at his last known address, at least 20 days before the return day of such order to show cause.

6. On the return day of such order to show cause, (a) if such member shall not appear and serve verified objections on the commissioner, the court shall make an order adjudicating that such member is liable for the amount of such assessment, and that the commissioner may have a judgment against such member therefor; (b) if such member shall appear and serve verified objections upon the commissioner, there shall be a full hearing before the court, and if the court affirms his liability to pay the whole or some part of said assessment, the commissioner may have judgment therefor.

7. A judgment upon any such order, shall have the same force and effect, and may be entered and may be appealed from as if it were a judgment in an original action brought in the court in which the proceeding is pending.

SEC. 3. Section 1063 of the Insurance Code is amended to read:

1063. (a) Within 60 days after the original effective date of this article, all insurers, including reciprocal insurers, admitted to transact insurance in this state of any or all of the following classes only in accordance with the provisions of Chapter 1 (commencing with Section 100) of Part 1 of this division: fire (see Section 102), marine (see Section 103), plate glass (see Section 107), liability (see Section 108), workmen's compensation (see Section 109), common carrier liability (see Section 110), boiler and machinery (see Section 111), burglary (see Section 112), sprinkler (see Section 114), team and vehicle (see Section 115), automobile (see Section 116), aircraft (see Section 118), and miscellaneous (see Section 120), shall establish the California Insurance Guarantee Association (the association); provided, however, premiums on other classes of insurance enumerated in Section 100, or the ocean marine portion of marine insurance, or reinsurance as defined in Section 620, or fraternal fire insurance written by associations organized and operating under Sections 9080 to 9103, inclusive, are exempt from the assessments and other requirements of the association, and any insurer writing in this state no insurances other than one or more of such exempt insurances shall not be a member insurer of 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 original effective date of this article in accordance with rules to be established as provided in this article. 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 successor 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 article. In case of a vacancy for any reason on the board, the commissioner 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 article, 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 article. 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 original effective date of this article, 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 article.

(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 article as reasonably necessary to fully effectuate the provisions thereof.

SEC. 3.5. Section 1063.1 of the Insurance Code is amended to read:

1063.1. As used in this article:

(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 a member insurer for which a domiciliary or ancillary liquidator has been appointed in this state after the effective date of this article.

(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.

SEC. 4. Section 1063.2 of the Insurance Code is amended to read:

1063.2. (a) The association shall pay and discharge covered claims and in connection therewith pay for or furnish loss adjustment services and defenses of claimants when required by policy provisions. 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, including but not limited to the right to: (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 article.

(c) (1) 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 article. 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 article. A member insurer may recover in subrogation from the association only one-half of any amount paid by such insurer under uninsured motorist coverage for bodily injury or wrongful death (and nothing for a payment for anything else), in those cases where the injured person insured by such an insurer has proceeded under his uninsured motorist coverage on the ground that the tortfeasor is uninsured as a result of the insolvency of his liability insurer (an insolvent insurer as defined in this article), provided that such member insurer shall waive all rights of subrogation against such tortfeasor. Any amount paid a claimant in excess of the amount authorized by this section may be recovered by action brought by the association.

(2) Any claimant having collision coverage on a loss which is covered by the insolvent company's liability policy shall first proceed against his collision carrier. Neither that claimant nor the collision carrier, if it is a member of the association, shall have the right to sue or continue a suit against the insured of the insolvent insurance company for such collision damage.

(d) The association shall receive the benefit of any amounts recoverable on reinsurance contracts or treaties entered into by the insolvent insurer which cover any of the liabilities incurred by the insolvent insurer in the category or categories involved provided such benefits shall be limited to payments upon or loss adjustment expenses or defense costs actually paid out by the association (including defense costs, if any, unpaid at the date of insolvency) on account of claims covered in such contracts or treaties. The commissioner, as liquidator, shall receive the benefit of any such reinsurance recoverable to the extent of payments on claims, loss adjustment expenses or defense costs made prior to the order of liquidation.

(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 article.

(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.

(g) "Covered claims" shall not include any judgments against or obligations or liabilities of the insolvent insurer or the commissioner, as liquidator, or otherwise resulting from alleged or proven torts.

(h) "Covered claims" shall not include adjustment expense and attorney's fees incurred by the insolvent insurer prior to the appointment of a liquidator. The deductible provided for in paragraph (5) of subdivision (c) of Section 1063.1 shall apply to each person for each accident for which he makes a claim.

SEC. 4.5. Section 1063.3 of the Insurance Code is amended to read:

1063.3. The association shall have authority to submit reports and make recommendations to the commissioner regarding the financial conditions 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.

SEC. 5. Section 1063.4 of the Insurance Code is amended to read:

1063.4. (a) Insureds entitled to the protection of this article 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 the order of liquidation to the date of expiration or cancellation.

(b) Any insured or claimant entitled to the benefits of this article who elects to proceed under this article shall be deemed to have assigned to the association his rights against the estate of the insolvent insurer.

SEC. 6. Section 1063.5 of the Insurance Code is amended to read:

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: (a) workmen's compensation claims; (b) automobile claims, which shall include: automobile material damage, automobile liability (both personal injury and death and property damage), medical payments and uninsured motorist claims; and (c) claims other than workmen's compensation and automobile, as above defined. 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 in the preceding calendar year applicable to such category. "Net direct written premiums" shall mean the amount of gross premiums, less return premiums and policyholder's dividends paid or allowed, received in such calendar year upon business done in this state, other than premiums received for reinsurance. In cases of a dispute as to the amount of any such net direct written premium between the association and one of its members the written decision of the commissioner shall be final. The premium charged to any member insurer on account of a single insolvency for any of the three categories or a category established by the association shall not be more than 1 percent of the net direct premium written in that category in this state by such member

insurer. The association may exempt or defer, in whole or in part, the assessment of any member insurer, if the assessment would cause the member insurer's financial statement to reflect amount of capital or surplus less than the minimum amounts required for a certificate of authority by any jurisdiction in which the member insurer is authorized to transact insurance. Such premium charges 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 or claims dividends 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.

Interest at a rate equal to the current federal reserve discount rate plus 2½ percent per annum shall be added to the premium of any member insurer which fails to submit the premium requested by the association within 30 days after such mailing request However, in no event shall the interest rate exceed the legal maximum.

SEC. 7. Section 1063.6 of the Insurance Code is amended to read:

1063.6. Upon petition of the commissioner or the association, the superior court having jurisdiction of an insurer insolvency proceeding or, in the absence thereof, the superior court of the county wherein is located the principal office in this state may stay all proceedings in any court of law of this state to which the insolvent insurer is a party 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. Such stay shall be superseded by and when any stay order is entered in the court in this state having jurisdiction of the liquidation or the ancillary liquidation.

SEC. 8. Section 1063.7 of the Insurance Code is amended to read:

1063.7. When a liquidator, domiciliary or ancillary, is appointed in this state for any member insurer, the liquidator shall promptly give notice of his appointment and a brief description of the contents of this article and of the nature and functions of the association by prepaid first-class mail, to: (a) all persons known or reasonably expected to have or be interested in claims against the insurer, at the last known address within this state; (b) all insureds of the insurer, at the last known address within this state, accompanied by a notice of the date of termination of insurance; and (c) the board of

governors of the association. Such notice may, but need not be, combined with the notice provided for in Section 1021. 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.

SEC. 9. Section 1063.8 of the Insurance Code is amended to read:

1063.8. Notwithstanding any other provision of law, the association shall be exempt from all license fees, income, franchise, privilege, property, or occupation taxes levied or assessed by this state, any municipality, county, or other political subdivision of this state. The rules of the commissioner promulgated pursuant to this article may exempt the association from: filing an annual statement, maintaining minimum required capital, paying any fees or reimbursements, or meeting any other requirement or doing any other thing required by this code or other laws relating to insurance.

SEC. 10. Section 1063.9 of the Insurance Code is amended to read:

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 of the association and after exhaustion of administrative remedies may seek court relief as provided in Section 12940.

SEC. 11. Section 1063.10 of the Insurance Code is amended to read:

1063.10. All orders or decisions of the commissioner made pursuant to Chapter 1347, Statutes of 1969 (of which this article is a part) and the provisions thereof as amended from time to time, shall be subject to judicial review as provided in Section 12940.

SEC. 12. Section 1063.12 of the Insurance Code is amended to read

1063.12. (a) The association, its member insurers, and its officers, directors, agents or employees of the association, or its member insurers, shall under no circumstances 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 and the costs of administration and the costs of loss adjustment, investigation and defenses relating to claims thereunder.

(b) Any person or member made a party to any action, suit or proceeding because such person or member served on the board of governors or on a committee or was an officer or employee of the association shall be indemnified by the association against all costs (including the amounts of judgments, settlements, fines or penalties) and expenses incurred in connection with such action, suit or proceeding; provided, however, such indemnification shall not be provided on any matter in which the person or member shall be finally adjudged in any such action, suit or proceeding to have committed a breach of duty involving gross negligence, bad faith, dishonesty, willful misfeasance or reckless disregard of the responsibilities of his office. In the event of settlement of a matter before adjudication, indemnification shall be provided only if the association is advised by independent counsel that the person or member to be indemnified did not in counsel's opinion commit such a breach of duty.

(c) The costs and expenses of such indemnification shall be prorated and paid for by the members in the same manner as provided in the plan of operations for the proration of premiums.

SEC. 13. Section 1063.13 is added to the Insurance Code, to read:

1063.13. No member insurer of the association shall engage in the unlawful trade practice defined and condemned in subdivision (g) of Section 790.03.

CHAPTER 1206

An act to add Sections 438.6 and 438.7 to the Health and Safety Code, relating to health.

[Approved by Governor September 16, 1970. Filed with Secretary of State September 16, 1970.]

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

SECTION 1. Section 438.6 is added to the Health and Safety Code, to read:

438.6. The department shall annually contract with agencies approved pursuant to Section 437.7 for the purpose of providing such agencies with funds to assist them to perform the duties required of them by this part. The Health Planning Council shall review and make recommendations to the department upon all contracts to be entered into under this section. The department shall prepare such contracts upon information submitted by such agencies in such form as required by the department. No agency shall receive an amount

pursuant to this section which is larger than the amount of funds it budgets annually for health facility planning, which are derived from local sources, exclusive of all federal or other state funds or funds voluntarily contributed by licensed health facilities.

SEC. 2. Section 438.7 is added to the Health and Safety Code, to read:

438.7. For the purposes of funding such contracts as are authorized by Section 438.6 and for meeting the costs of the department in the administration of this section and Section 438.6, the department shall annually, concurrent with applications for licensure, set, and charge to, and collect from, all hospitals of a type required to be licensed pursuant to Chapter 2 (commencing with Section 1400) of Division 2 and facilities of a type required to be licensed by the Department of Mental Hygiene pursuant to Chapter 1 (commencing with Section 7000) of Division 7 of the Welfare and Institutions Code, except facilities exempted from this part by Section 7003.3 of the Welfare and Institutions Code, on the effective date of this section, a special fee of not more than four dollars ($4) per bed maintained for the use of patients, exclusive of bassinets, of hospitals, and of not more than one dollar and fifty cents ($1.50) per bed maintained for the use of patients, exclusive of bassinets, of nursing homes or intermediate care facilities.

Each year the director shall establish the fee to produce revenues equal to the appropriation for these purposes in the budget act for the current fiscal year. The director shall immediately notify the Director of Mental Hygiene of the amount of such fee and the Department of Mental Hygiene shall collect such fee from all hospitals licensed by the Department of Mental Hygiene pursuant to Chapter 1 (commencing with Section 7000) of Division 7 of the Welfare and Institutions Code, except facilities exempted from this part by Section 7003.3 of the Welfare and Institutions Code. All funds received by the Department of Mental Hygiene from such fees shall be transmitted to the Director of Public Health.

Any amounts raised by the collection of such special fee which are not required to meet appropriations in the budget act for the current fiscal year shall be available to the department in succeeding years, when appropriated by the Legislature, for expenditure under the provisions of Section 438.6 and shall reduce the amount of such special fee which the department is authorized to set and charge.

No hospital or facility shall be issued a license unless the fee as required by this section is paid.

SEC. 3. Sections 438.6 and 438 7 of the Health and Safety Code as added by Sections 1 and 2 of this act shall remain in effect until the 91st day after the final adjournment of the 1974 Regular Session of the Legislature and shall have no force or effect after that date.

CHAPTER 1207

An act to amend Section 6738.1 of the Business and Professions Code, relating to the Department of Professional and Vocational Standards.

[Approved by Governor September 16, 1970. Filed with Secretary of State September 16, 1970.]

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

SECTION 1. Section 6738.1 of the Business and Professions Code is amended to read:

6738.1. The provisions of Section 6738 shall not prevent a partnership, firm, or corporation engaged in rendering civil engineering services from using in its name the name of a deceased or retired person where (a) the deceased or retired person's name had been used in the name of such partnership, firm, corporation, or a predecessor in interest of such partnership, firm, or corporation, for a period of five consecutive years prior to the death or retirement and continuously after the death or retirement, and where (b) the deceased or retired person shall have been a partner of such partnership, member of such firm, shareholder of such corporation, or a partner, member, or shareholder of such predecessor in interest of the partnership, firm or corporation, and where (c) the deceased or retired person shall have been registered by the board in a branch of professional engineering, or as an architect continuously for a period of five years prior to his death or retirement, if the board, upon written application informing it of the proposed method of carrying on the business and of the changes, if any, in personnel in charge of the engineering activities of such partnership, firm, or corporation, determines, after hearing, that the actual operating organization thereof is otherwise substantially the same as prior to the death or retirement and that the public safety, health, and welfare will not be impaired; provided that a retired person has consented to the continued use of his name, does not engage in the practice of civil engineering with any other partnership, firm, or corporation during the period of such consent, and does not permit the use of his name in the practice of civil engineering during the period of such consent by anyone other than the partnership, firm, or corporation from which he retired; and provided further that in the practice of civil engineering through such partnership, firm, or corporation it shall continue to be so carried on and shall otherwise be subject to the provisions of paragraphs (1) and (2) of subdivision (a) of Section 6738. A partnership, firm, or corporation, which has complied with the provisions of subdivision (e) of Section 6738 shall be exempted from compliance with this section.

Any partnership, firm, or corporation using in its name the name of a deceased person as provided for in this section shall designate on its letterheads and other listings of firm personnel the years in which the deceased was born and died.

CHAPTER 1208

An act to add Section 26808 to the Government Code and Section 463 to the Health and Safety Code, relating to family planning.

[Approved by Governor September 16, 1970. Filed with Secretary of State September 16, 1970.]

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

SECTION 1. Section 26808 is added to the Government Code, to read:

26808. The county clerk shall distribute to persons applying for a marriage license a list of family planning and birth control clinics located in the county, which shall be prepared by the county health officer.

If there is a marriage license bureau within the county clerk's office, the list shall be distributed by the marriage license bureau.

SEC. 2. Section 463 is added to the Health and Safety Code, to read:

463. The county health officer shall prepare a list of family planning and birth control clinics located in the county for distribution by the county clerk pursuant to Section 26808 of the Government Code.

CHAPTER 1209

An act to amend Section 17222 of the Government Code, relating to fiscal affairs.

[Approved by Governor September 16, 1970. Filed with Secretary of State September 16, 1970.]

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

SECTION 1. Section 17222 of the Government Code is amended to read:

17222. By a majority vote the committee shall fix the rate of interest paid on registered warrants at not more than 5 percent per annum, provided, that until April 1, 1972, the committee, by majority vote, shall fix the rate of interest at such rate as the committee in its discretion determines and which is consistent with sound business principles.

CHAPTER 1210

An act to add Section 15958.5 to the Education Code, relating to contracts by school districts.

[Approved by Governor September 16, 1970. Filed with Secretary of State September 16, 1970.]

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

SECTION 1. Section 15958.5 is added to the Education Code, to read:

15958.5. Notwithstanding any limitations imposed by this article specifically with respect to electromechanical or electronic data-processing work to be done or related services to be performed, the governing board of a school district, the boundaries of which are coterminous with those of the City and County of San Francisco, may contract for such work to be done or related services to be performed, without regard to such limitations.

CHAPTER 1211

An act to add Section 4363 to the Civil Code, relating to family law.

[Approved by Governor September 16, 1970. Filed with Secretary of State September 16, 1970.]

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

SECTION 1. Section 4363 is added to the Civil Code, to read:

4363. The court may order that a person who claims an interest in a proceeding under this part be joined as a party to the proceeding in accordance with rules adopted by the Judicial Council pursuant to Section 4001.

CHAPTER 1212

An act to add Section 2955 to the Civil Code, relating to impound accounts.

[Approved by Governor September 16, 1970. Filed with Secretary of State September 16, 1970.]

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

SECTION 1. Section 2955 is added to the Civil Code, to read:

2955. (a) Money held by a mortgagee or a beneficiary of a deed of trust on real property in this state, or held by a vendor on a contract of sale of real property in this state, in an impound account for the payment of taxes and assessments or insurance premiums or other purposes on or relating to the property, shall be retained in this state and, if invested, shall be invested only with residents of this state in the case of individuals, or with partnerships, corporations, or other persons, or the branches or subsidiaries thereof, which are engaged in business within this state

(b) The Attorney General may bring an action in behalf of the people of California to enjoin any violation of subdivision (a).

CHAPTER 1213

An act to add Sections 1269c and 1320.5 to the Penal Code, relating to criminal procedure.

[Approved by Governor September 16, 1970. Filed with Secretary of State September 16, 1970.]

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

SECTION 1. Section 1269c is added to the Penal Code, to read:

1269c. In any case in which a person is arrested for a felony without a warrant and the amount of bail is fixed for the first time by order of a magistrate, no other magistrate shall reset the bail prior to the time the person is arraigned in a lower amount than originally ordered without first finding good cause therefor after a hearing, notice of which is given within a reasonable time prior to such hearing to the prosecuting attorney charged with the duty of prosecuting the offense for which the arrest was made.

SEC. 2. Section 1320.5 is added to the Penal Code, to read:

1320.5. In any case in which a person is arrested for a felony without a warrant and the amount of bail is fixed for the first time by order of a magistrate, no other magistrate shall order the defendant released on his own recognizance prior to the time the person is arraigned without first finding good cause therefor after a hearing, notice of which is given within a reasonable time prior to such hearing to the prosecuting attorney charged with the duty of prosecuting the offense for which the arrest was made.

CHAPTER 1214

An act to add Section 665 to the Education Code, relating to dormitories.

[Approved by Governor September 16, 1970. Filed with Secretary of State September 16, 1970.]

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

SECTION 1. Section 665 is added to the Education Code, to read:

665. The county board of education in any county required to provide for the education and training of handicapped persons residing in the county, when in its judgment necessity therefor exists, may construct and maintain dormitories for

use and occupancy by such persons, and shall fix the rates to be charged such persons, or parents or guardians of such persons, for quarters in the dormitories.

CHAPTER 1215

An act to amend Sections 6006 and 6010 of the Revenue and Taxation Code, relating to sales and use taxes.

[Approved by Governor September 16, 1970. Filed with Secretary of State September 16, 1970.]

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

SECTION 1. Section 6006 of the Revenue and Taxation Code is amended to read:

6006. "Sale" means and includes:

(a) Any transfer of title or possession, exchange, or barter, conditional or otherwise, in any manner or by any means whatsoever, of tangible personal property for a consideration. "Transfer of possession," includes only transactions found by the board to be in lieu of a transfer of title, exchange, or barter.

(b) The producing, fabricating, processing, printing, or imprinting of tangible personal property for a consideration for consumers who furnish either directly or indirectly the materials used in the producing, fabricating, processing, printing, or imprinting.

(c) The furnishing and distributing of tangible personal property for a consideration by social clubs and fraternal organizations to their members or others.

(d) The furnishing, preparing, or serving for a consideration of food, meals, or drinks.

(e) A transaction whereby the possession of property is transferred but the seller retains the title as security for the payment of the price.

(f) A transfer for a consideration of the title or possession of tangible personal property which has been produced, fabricated, or printed to the special order of the customer, or of any publication.

(g) Any lease of tangible personal property in any manner or by any means whatsoever, for a consideration, except a lease of:

(1) Motion picture, including television, films and tapes.

(2) Linen supplies and similar articles when an essential part of the lease agreement is the furnishing of the recurring service of laundering or cleaning the articles.

(3) Household furnishings with a lease of the living quarters in which they are to be used.

(4) Mobile transportation equipment for use in for-hire transportation of persons or property such as railroad cars and locomotives, trucks, buses, truck tractors, truck trailers,

aircraft, ships, dollies, bogies, chassis and reusable cargo shipping containers.

(5) Tangible personal property leased in substantially the same form as acquired by the lessor or leased in substantially the same form as acquired by a transferor, as to which the lessor or transferor has paid sales tax reimbursement pursuant to Section 6052 or has paid use tax measured by the purchase price of the property. For purposes hereof, transferor shall mean the following:

(A) A person from whom the lessor acquired the property in a transaction described in subdivision (b) of Section 6006.5.

(B) A decedent from whom the lessor acquired the property by will or the laws of succession.

SEC. 2. Section 6010 of the Revenue and Taxation Code is amended to read:

6010. "Purchase" means and includes:

(a) Any transfer of title or possession, exchange, or barter, conditional or otherwise, in any manner or by any means whatsoever, of tangible personal property for a consideration. "Transfer of possession," includes only transactions found by the board to be in lieu of a transfer of title, exchange, or barter.

(b) When performed outside this state or when the customer gives a resale certificate pursuant to Article 3 of Chapter 2 of this part, the producing, fabricating, processing, printing, or imprinting of tangible personal property for a consideration for consumers who furnish either directly or indirectly the materials used in the producing, fabricating, processing, printing, or imprinting.

(c) A transaction whereby the possession of property is transferred but the seller retains the title as security for the payment of the price.

(d) A transfer for a consideration of tangible personal property which has been produced, fabricated, or printed to the special order of the customer, or of any publication.

(e) Any lease of tangible personal property in any manner or by any means whatsoever, for a consideration, except a lease of:

(1) Motion picture, including television, films and tapes.

(2) Linen supplies and similar articles when an essential part of the lease agreement is the furnishing of the recurring service of laundering or cleaning the articles.

(3) Household furnishings with a lease of the living quarters in which they are to be used.

(4) Mobile transportation equipment for use in for-hire transportation of persons or property such as railroad cars and locomotives, trucks, buses, truck tractors, truck trailers, aircraft, ships, dollies, bogies, chassis and reusable cargo shipping containers.

(5) Tangible personal property leased in substantially the same form as acquired by the lessor or leased in substantially

the same form as acquired by a transferor, as to which the lessor or transferor has paid sales tax reimbursement pursuant to Section 6052 or has paid use tax measured by the purchase price of the property. For purposes hereof, transferor shall mean the following:

(A) A person from whom the lessor acquired the property in a transaction described in subdivision (b) of Section 6006.5.

(B) A decedent from whom the lessor acquired the property by will or the laws of succession.

CHAPTER 1216

An act to add Section 1690.1 to the Labor Code, and Section 1141 to the Unemployment Insurance Code, relating to farm labor contractors.

[Approved by Governor September 16, 1970. Filed with Secretary of State September 16, 1970.]

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

SECTION 1. Section 1690.1 is added to the Labor Code, to read:

1690.1. If any licensee fails to remit the proper amount of worker contributions required by Chapter 4 (commencing with Section 901) of Part 1 of Division 1 of the Unemployment Insurance Code, or the Department of Human Resources Development has made an assessment for such unpaid worker contributions against the licensee that is final, the Labor Commissioner shall, upon written notice by the Department of Human Resources Development, refuse to issue or renew the license of such licensee until such licensee has fully paid the amount of delinquency for such unpaid worker contributions.

The Labor Commissioner shall not, however, refuse to renew the license of a licensee under this section until the assessment for unpaid worker contributions is final and unpaid, and the licensee has exhausted, or failed to seek, his right of administrative review of such final assessment, pursuant to Chapter 4 (commencing with Section 901) of Part 1 of Division 1 of the Unemployment Insurance Code.

SEC. 2. Section 1141 is added to the Unemployment Insurance Code, to read:

1141. When an assessment for worker contributions that is made pursuant to the provisions of this article becomes final against a farm labor contractor, as defined in Section 1682 of the Labor Code, which is an employing unit, as defined in Section 135 of this code, or such farm labor contractor is otherwise delinquent in the payment of worker contributions, the department shall notify the Labor Commissioner, in writing, of the amount of the delinquency of such employing unit, and shall further notify the Labor Commissioner, in writing, when

such delinquency is paid. The notice of assessment and the amount of any delinquency shall be admissible in evidence in any action or special proceeding arising out of the provisions of Chapter 3 (commencing with Section 1682) of Part 6 of Division 2 of the Labor Code.

CHAPTER 1217

An act to add Chapter 12 (commencing with Section 19880) to Part 3 of Division 13 of the Health and Safety Code, relating to heating appliances and installations.

[Approved by Governor September 16, 1970. Filed with Secretary of State September 16, 1970.]

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

SECTION 1. Chapter 12 (commencing with Section 19880) is added to Part 3 of Division 13 of the Health and Safety Code, to read:

CHAPTER 12. HEATING APPLIANCES AND INSTALLATIONS

19880. No person shall, on or after January 1, 1971, sell, or offer for sale, any new or used unvented heater, which is designed to be used inside any dwelling house or unit, with the exception of an electric heater, or of decorative gas logs for use in a vented fireplace, unless the heater contains a warning, in bold type, on the outside visible surface, as follows:

WARNING

This heater is unvented and its improper use can cause serious illness. Do not operate unless an adequate fresh air supply is available. Open a window when this heater is in use. If you have questions, call your service agency or gas company.

19881. No person shall, on or after January 1, 1972, sell, or offer for sale, any new or used unvented heater, which is designed to be used inside any dwelling house or unit, with the exception of an electric heater, or of decorative gas logs for use in a vented fireplace.

19882. Any violation of any provision of this chapter shall be a misdemeanor.

CHAPTER 1218

An act to add Section 38108 to the Health and Safety Code, relating to regional diagnostic centers.

[Approved by Governor September 16, 1970. Filed with Secretary of State September 16, 1970.]

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

SECTION 1. Section 38108 is added to the Health and Safety Code, to read:

38108. The department shall seek supplemental grant funds to establish pursuant to this chapter a demonstration project in one regional diagnostic center designated by the department to serve all handicapped persons, including, but not limited to, physically handicapped and mentally disordered persons as follows:

(a) The demonstration project shall begin January 1, 1971, and terminate December 31, 1971.

(b) The department shall limit the new caseload provided for in this project to 100 persons.

(c) The director shall report his findings and recommendations, including, but not limited to, an evaluation of the effectiveness of the demonstration project authorized under this section not later than the fifth calendar day of the 1972 Regular Session of the Legislature at which time this section shall have no further force or effect.

CHAPTER 1219

An act to add Sections 5115, 5116 and 5117 to the Welfare and Institutions Code, relating to facilities for mentally and physically handicapped.

[Approved by Governor September 16, 1970. Filed with Secretary of State September 16, 1970.]

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

SECTION 1. Section 5115 is added to the Welfare and Institutions Code, to read:

5115. The Legislature hereby finds and declares:

(a) It is the policy of this state, as declared and established in this act and in the Lanterman Mental Retardation Act of 1969, that mentally and physically handicapped persons are entitled to live in normal residential surroundings and should not be excluded therefrom because of their disability.

(b) In order to achieve uniform statewide implementation of the policies of this act and those of the Lanterman Mental Retardation Act of 1969, it is necessary to establish the statewide policy that the use of property for the care of six or fewer mentally disordered or otherwise handicapped persons is a residential use of such property for the purposes of zoning.

SEC. 2. Section 5116 is added to the Welfare and Institutions Code, to read:

5116. Pursuant to the policy stated in Section 5115, a state-authorized, certified, or licensed family care, foster home, or group home serving six or fewer mentally disordered or

otherwise handicapped persons, shall be considered a residential use of property for the purposes of zoning.

SEC. 3. Section 5117 is added to the Welfare and Institutions Code, to read:

5117. In order to further facilitate achieving the purposes of this act and the Lanterman Mental Retardation Act of 1969, it is desirable that there be a consolidation of the facilities standard setting, licensure and ratesetting functions of the various state departments under the jurisdiction of the Human Relations Agency. The Secretary of the Human Relations Agency shall present to the Assembly and Senate Rules Committees not later than March 1, 1971, a specific plan to accomplish this goal. In developing this plan, the secretary shall consult with and seek the advice of the public and private agencies, the consumer groups, and the facilities affected thereby.

CHAPTER 1220

An act to add Section 4026 to the Welfare and Institutions Code, relating to mental health.

[Approved by Governor September 16, 1970. Filed with Secretary of State September 16, 1970.]

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

SECTION 1. Section 4026 is added to the Welfare and Institutions Code, to read:

4026. Notwithstanding any other provision of law, the department shall establish a pilot project to demonstrate the feasibility of unifying under a county Short-Doyle program all diagnostic services required to be provided by law in the county as follows:

(a) The project shall be limited to the county Short-Doyle program in one county of intermediate size with mixed urban and rural population which is willing to participate and which is designated for participation by the department.

(b) The director of the designated county Short-Doyle program shall supply all diagnostic services to either a representative sample of 100 mentally disordered children or, if feasible, all mentally disordered children in the county who would otherwise receive diagnostic services from other county agencies such as probation departments, welfare departments and school diagnostic clinics.

(c) The project shall begin January 1, 1971, and terminate December 31, 1971.

(d) The department shall report its findings and recommendations, including, but not limited to, an evaluation of the effectiveness of the project authorized by this section not later than the fifth legislative day of the 1972 Regular Session of the Legislature at which time this section shall have no further force or effect.

CHAPTER 1221

An act to amend Sections 1227, 1317, 1413, and 1415 of the Financial Code, relating to banks.

[Approved by Governor September 16, 1970. Filed with Secretary of State September 16, 1970.]

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

SECTION 1. Section 1227 of the Financial Code is amended to read:

1227. A commercial bank may lend on the security of a first lien on real property or a first lien on a leasehold under a lease which does not expire, or which has been extended or renewed so that it does not expire, for at least 10 years beyond the maturity date of the loan, if:

(a) The term of the loan does not exceed 10 years and the amount does not exceed 60 percent of the sound market value of the property or leasehold, together with the improvements located on the property which are made subject to the lien, as determined by proper appraisal; or

(b) The term of the loan does not exceed 30 years, is repayable in substantially equal installments not less often than monthly, with payments commencing not later than 60 days from the date of the loan or, in the case of a construction loan, commencing not later than one year from the date of the loan, and the amount does not exceed 90 percent of the sound market value of the property or leasehold, together with the improvements located on the property which are made subject to the lien, as determined by proper appraisal; or

(c) The loan is on a farm or productive agricultural lands, the term does not exceed 30 years, is repayable in substantially equal installments not less often than annually, and the amount does not exceed 90 percent of the sound market value of the property or leasehold, together with the improvements located on the property which are made subject to the lien, as determined by proper appraisal; or

(d) The term of the loan does not exceed six months and the amount does not exceed 85 percent of the sound market value of the property or leasehold, together with the improvements located on the property which are made subject to the lien, as determined by proper appraisal; or

(e) The term of the loan does not exceed 60 months, the amount does not exceed 85 percent of the sound market value of the property or leasehold, together with the improvements located on the property which are made subject to the lien, as determined by proper appraisal, and the loan is for the purpose of financing building operations under a plan providing for payment of the loan or providing for refinancing by loans otherwise permitted by this chapter.

A commercial bank may make a loan without regard to the above restrictions when necessary to facilitate the sale of real property owned by the bank.

SEC. 2. Section 1317 of the Financial Code is amended to read:

1317. A nondepartmental bank shall not lend in the aggregate an amount in excess of 70 percent of the amount of its savings and other time deposits upon the security of real property, in addition to:

(a) Loans guaranteed in whole or in part by the Administrator of Veterans' Affairs pursuant to the Servicemen's Readjustment Act of 1944 or any act of Congress supplementary or amendatory thereof or under the Veterans' Readjustment Act of 1952 or any act of Congress supplementary or amendatory thereof; or

(b) Loans insured by the Federal Housing Administration pursuant to the National Housing Act or any act of Congress supplementary or amendatory thereof or insured by the Farmers Home Administration pursuant to the Housing Act of 1949 or any act of Congress supplementary or amendatory thereof.

SEC. 3. Section 1413 of the Financial Code is amended to read:

1413. A savings bank may lend on the security of a first lien on real property or a first lien on a leasehold under a lease which does not expire, or which has been extended or renewed so that it does not expire, for at least 10 years beyond the maturity date of the loan, if:

(a) The term of the loan does not exceed 10 years and the amount does not exceed 60 percent of the sound market value of the property or leasehold, together with the improvements located on the property which are made subject to the lien, as determined by proper appraisal; or

(b) The term of the loan does not exceed 30 years, is repayable in substantially equal installments not less often than monthly, with payments commencing not later than 60 days from the date of the loan or, in the case of a construction loan, commencing not later than one year from the date of the loan, and the amount does not exceed 90 percent of the sound market value of the property or leasehold, together with the improvements located on the property which are made subject to the lien, as determined by proper appraisal; or

(c) The loan is on a farm or productive agricultural lands, the term does not exceed 30 years, is repayable in substantially equal installments not less often than annually, and the amount does not exceed 90 percent of the sound market value of the property or leasehold, together with the improvements located on the property which are made subject to the lien, as determined by proper appraisal; or

(d) The term of the loan does not exceed 60 months, the amount does not exceed 85 percent of the sound market value of the property or leasehold, together with the improvements located on the property which are made subject to the lien, as determined by proper appraisal and the loan is for the purpose of financing building operations under a plan providing

for payment of the loan or providing for refinancing by loans otherwise permitted by this chapter.

A savings bank may make a loan without regard to the above restrictions when necessary to facilitate the sale of real property owned by the bank.

SEC. 4. Section 1415 of the Financial Code is amended to read:

1415. A savings bank holding a first lien on real property may take, or purchase and hold, or loan upon another and immediately junior lien but all such loans shall not exceed in the aggregate 90 percent of the sound market value of the property as determined by proper appraisal. A savings bank may loan not to exceed the face value of a deed of trust or mortgage which constitutes a first lien upon real property, but in no event shall any such loan exceed 90 percent of the sound market value of the property covered by said mortgage or deed of trust as determined by proper appraisal.

CHAPTER 1222

An act to add Section 13723.7 to the Education Code, relating to classified school employees.

[Approved by Governor September 16, 1970. Filed with Secretary of State September 16, 1970.]

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

SECTION 1. Section 13723.7 is added to the Education Code, to read:

13723.7. In any school district which has geographical boundaries encompassing more than 200 square miles and which divides the area it serves into smaller areas for assignment of classified personnel, when an eligibility list is exhausted in one assignment area but there are available eligibles in another assignment area, an area eligibility list may be established for the assignment area in which the eligibility list is exhausted. The life of such new area eligibility list shall be one year. Seniority for the purpose specified in Section 13746 shall continue to be districtwide.

CHAPTER 1223

An act to add Title 1.2 (commencing with Section 1740) to Part 4 of Division 3 of the Civil Code, relating to the sale of fine prints.

[Approved by Governor September 16, 1970. Filed with Secretary of State September 16, 1970.]

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

SECTION 1. Title 1.2 (commencing with Section 1740) is added to Part 4 of Division 3 of the Civil Code, to read:

TITLE 1.2. SALE OF FINE PRINTS

CHAPTER 1. GENERAL PROVISIONS

1740. As used in this title:

(a) "Fine print" includes, but is not limited to, an engraving, etching, woodcut, lithograph or serigraph.

(b) "Plate" is used in lieu of and to mean the full phrase "plate, stone, block or other material" used for the purpose of creating the print from which the impression or impressions were taken.

(c) "Artist" means the person who conceived or created or conceived and created the master image for, or which served as a model for, the print.

(d) Whether a print is "signed" or "unsigned" as these terms are used in this title, depends upon whether or not the artist autographs the finished print, irrespective of whether it was signed or unsigned in the plate.

(e) "Impression" means the printed image on suitable material whether paper or any other substance, made off the plate by printing, stamping, casting or any other process commonly used in the graphic arts.

1741. (a) Nothing in this title shall apply to any print when offered for sale or sold at wholesale or retail unframed for twenty-five dollars ($25) or less or framed for forty dollars ($40) or less.

(b) This title shall only apply to fine prints which are printed after the effective date of the act adding it to the law.

CHAPTER 2. FULL DISCLOSURE IN THE SALE OF FINE PRINTS

1742. (a) No catalogue, prospectus or circular offering fine prints for sale in this state shall be knowingly published or distributed, or both, unless it clearly and conspicuously discloses the relevant informational detail concerning each edition of such prints so offered set forth in Section 1744.

(b) If the person offering such prints by means of such publication disclaims knowledge as to any relevant detail referred to in Section 1744, he shall so state specifically and categorically with regard to each such detail to the end that the purchaser shall be enabled to judge the degree of uniqueness or scarcity of each print contained in the edition so offered. Describing the edition as an edition of "reproductions" eliminates the need to furnish further informational details unless such edition was allegedly published in

a signed, numbered, or limited edition, or any combination thereof, in which case all of the informational details are required to be furnished.

1743. (a) No fine print or prints shall be knowingly offered for sale or sold in this state by any person, at wholesale or at retail, unless a written invoice or receipt for the purchase price or a certificate furnished to the purchaser clearly and conspicuously discloses all of the relevant informational details required under Section 1744.

(b) If the seller disclaims knowledge as to any relevant detail referred to in Section 1744, he shall so state specifically and categorically with regard to each such detail to the end that the purchaser shall be enabled to judge the degree of uniqueness or scarcity of such print or prints. Describing the print as a "reproduction" eliminates the need to furnish further informational details unless it was allegedly published in a signed, numbered, or limited edition, or any combination thereof, in which case all of the informational details are required to be furnished.

1744. The following informational detail shall be required:

(a) The name of the artist and the year when printed.

(b) Exclusive of trial proofs, whether the edition is being offered as a limited edition, and, if so:

(1) The authorized maximum number of signed or numbered impressions, or both, in the edition.

(2) The authorized maximum number of unsigned or unnumbered impressions, or both, in the edition.

(3) The authorized maximum number of artist's, publisher's, printer's or other proofs, if any, outside of the regular edition; and

(4) The total size of the edition.

(c) Whether the plate has been destroyed, effaced, altered, defaced or canceled after the current edition.

(d) If there were any prior states of the same impression, the total number of states and a designation of the state to which the subject print relates.

(e) If there were any prior or later editions from the same plate, the series number of the subject edition and the total size of all other editions.

(f) Whether the edition is a posthumous edition or restrike and, if so, whether the plate has been reworked.

(g) The name of the workshop, if any, where the edition was printed.

CHAPTER 3. REMEDIES AND PENALTIES

1745. (a) A person who offers or sells a fine print in violation of this title shall be liable to the person purchasing such fine print from him, who may sue to recover the consideration paid for such print, with interest at the legal rate thereon, upon the tender of the print.

(b) In any case in which a person willfully offers or sells a fine print in violation of this title, the person purchas-

ing such fine print may recover from the person who offers or sells such fine print an amount equal to three times the amount required under subdivision (a).

(c) No action shall be maintained to enforce any liability under this section unless brought within one year after discovery of the violation upon which it is based and in no event more than three years after the print was sold.

SEC. 2. This act shall become operative on July 1, 1971.

CHAPTER 1224

An act to add Section 5655 to the Fish and Game Code, relating to water pollution.

[Approved by Governor September 16, 1970. Filed with Secretary of State September 16, 1970.]

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

SECTION 1. Section 5655 is added to the Fish and Game Code, to read:

5655. The department is authorized to clean up or abate the effects of any petroleum or petroleum product deposited in the waters of the state and to recover any costs incurred as a result of such cleanup or abatement activity pursuant to Chapter 4 (commencing with Section 151) of Division 1.5 of the Harbors and Navigation Code.

CHAPTER 1225

An act to amend Sections 321, 321.5, 322, 324, 17522, 17522.5, 17523, 17524, and 17525 of the Education Code, relating to public school employment.

[Approved by Governor September 16, 1970. Filed with Secretary of State September 16, 1970.]

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) "Teacher" means an employee of a school district, employed in a position requiring certification qualifications and whose duties require him to provide direct instruction to pupils in the schools of that district for the full time for which he is employed. "Teacher" shall include, but not be

limited to, teachers of special classes, teachers of exceptional children, teachers of physically handicapped minors, teachers of mentally retarded minors, substitute teachers, instructional television teachers, specialist mathematics teachers, specialist reading teachers, home and hospital teachers, and learning disability group teachers.

(c) "Classified employee" means an employee of a school district, employed in a position not requiring certification qualifications.

(d) "Administrative employee" means an employee of a school district, employed in a position requiring certification qualifications, but who does not come within the meaning of subdivision (b) or (e).

(e) "Pupil services employee" means an employee of a school district, employed in a position requiring a standard designated services credential, health and development credential, or a librarian credential, and who performs direct services to pupils. "Pupil services employee" shall include, but not be limited to, inschool librarians, school nurses, assistant inschool librarians, audiovisual personnel, counselors, psychologists, psychometrists, guidance and welfare personnel, attendance personnel, school social workers, and all other certificated personnel performing pupil-personnel services, health, or librarian services.

(f) "Classification" means one of the classifications specified in Section 323.

SEC. 2. Section 321.5 of the Education Code is amended to read:

321.5. For the purposes of this article, a "teacher," a "classified employee," an "administrative employee," and a "pupil services employee," as defined in Section 321, shall not include an employee of a school district employed in connection with a junior college maintained by the school district.

SEC. 3. Section 322 of the Education Code is amended to read:

322. On or before December of each year, each school district shall submit to the Superintendent of Public Instruction, on forms that he shall provide and in accordance with regulations which he shall adopt, a report containing all of the following information as of the single date specified by the Superintendent of Public Instruction.

(a) The number of teachers employed by the district.

(b) The number of classified employees employed by the district.

(c) The number of administrative employees employed by the district.

(d) The number of pupil services employees employed by the district.

The number of employees in subdivisions (a), (b), (c), and (d) shall include the full-time equivalent of all fractional time of such employees.

SEC. 4. Section 324 of the Education Code is amended to read:

324. (a) After receiving reports pursuant to this article, the Superintendent of Public Instruction shall, for each classification, perform the following functions: (1) compare the figures reported to him for teachers with those for classified employees and compute a ratio of such classified employees to each 100 teachers for each classification of district, (2) compare the figures reported to him for teachers with those for administrative employees and compute a ratio of such administrative employees to each 100 teachers for each classification of district, and (3) compare the figures reported to him for teachers with those for pupil services employees and compute a ratio of such pupil services employees to each 100 teachers for each classification of district.

(b) The Superintendent of Public Instruction shall rank each district in each classification on the basis of the ratio computed pursuant to subdivision (a), from the lowest ratio to the highest.

SEC. 5. Section 17522 of the Education Code is amended to read:

17522. For the purposes of this article, a "teacher" and an "administrative employee" shall have the same meaning as specified in Section 321.

SEC. 6. Section 17522.5 of the Education Code is amended to read:

17522.5. The provisions of this article shall not be applicable to a junior college district.

SEC. 7. Section 17523 of the Education Code is amended to read:

17523. For the purposes of this article, the maximum ratios of administrative employees to each 100 teachers in the various types of school districts shall be as follows:

(a) In elementary school districts—9.

(b) In unified school districts—8.

(c) In high school districts—7.

SEC. 8. Section 17524 of the Education Code is amended to read:

17524. The Superintendent of Public Instruction shall, for each current fiscal year, determine for each school district in the state, to two decimal points, the following:

(a) The total number of administrative employees.

(b) The total number of teachers.

(c) The total maximum number of administrative employees which should be employed by the district based upon the application of the appropriate ratio prescribed by Section 17523 to the number of teachers determined pursuant to subdivision (b).

(d) The number of administrative employees in excess of the number allowable without penalty as determined by sub-

tracting the number determined pursuant to subdivision (c) from the number determined pursuant to subdivision (a).

The number of employees reported pursuant to subdivisions (a), (b), (c), and (d) shall include the full-time equivalent of all fractional time of such employees.

SEC. 9. Section 17525 of the Education Code is amended to read:

17525. The Superintendent of Public Instruction shall determine that portion of the average salaries paid administrative employees of a district attributable to state support as follows:

(a) He shall compute the ratio which total state support to the district general fund bears to the total general fund income of the district.

(b) He shall multiply the ratio determined pursuant to subdivision (a) by the average salary of administrative employees.

(c) He shall multiply the product of subdivision (b) by the number of administrative employees converted to the nearest whole number in excess of the maximum number specified in Section 17523.

The Superintendent of Public Instruction shall certify to the Controller the amounts computed pursuant to this section. The Controller shall reduce the amount of the second principal apportionment made to the district for the current fiscal year pursuant to Section 17407 by the product so produced; provided that, no such reduction shall reduce the final apportionment below the amount specified in Section 6 of Article IX of the California Constitution.

CHAPTER 1226

An act to amend Section 9404 of the Vehicle Code, relating to vehicles.

[Approved by Governor September 16, 1970. Filed with Secretary of State September 16, 1970.]

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

SECTION 1. Section 9404 of the Vehicle Code is amended to read:

9404. (a) Station wagons, except those used in the transportation of passengers for hire, are exempted from the payment of weight fees provided for in Section 9400.

Any provision of this code notwithstanding, any person, who is bona fide engaged in a business, and who owns and operates a station wagon which is registered in the name of such business, may pay the appropriate weight fees, and the department shall issue license plates of the same type as are issued to vehicles which are required to pay weight fees.

(b) For purposes of this section, "engaged in a business" means engaged in a bona fide trade, business,, commerce, or in a profession in which the measurement of land, construction quantities, or the dimension of structures, is a function authorized to be performed by the license issued for such profession, but does not include being engaged in any other type of profession.

CHAPTER 1227

An act to amend Sections 24365.4 and 24365.8 of the Health and Safety Code, relating to air pollution.

[Approved by Governor September 16, 1970. Filed with Secretary of State September 16, 1970.]

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

SECTION 1. Section 24365.4 of the Health and Safety Code is amended to read:

24365.4. (a) The hearing board shall serve a notice of the time and place of a hearing to grant a variance upon the control officer and upon the applicant, if any, not less than 10 days prior to such hearing.

(b) The board shall also send notice of the hearing to every daily newspaper of general circulation in each of the counties within the district and to every person who requests such notice. The notice shall contain the time and place of the hearing and such other information as may be necessary to reasonably apprise the people within the district of the nature and purpose of the meeting.

SEC. 2. Section 24365.8 of the Health and Safety Code is amended to read:

24365.8. (a) The hearing board shall serve notice of the time and place of a hearing to revoke or modify any order permitting a variance not less than 10 days prior to such hearing upon the control officer, upon all persons who will be subjected to greater restrictions if such order is revoked or modified as proposed and upon all other persons interested or likely to be affected who have filed with the hearing board or control officer a written request for such notification.

(b) The board shall also send notice of the hearing to every daily newspaper of general circulation in each of the counties within the district and to every person who requests such notice. The notice shall contain the time and place of the hearing and such other information as may be necessary to reasonably apprise the people within the district of the nature and purpose of the meeting.

CHAPTER 1228

An act to amend Sections 892.2, 16801, 16802, 16901, and 21105 of, to repeal Article 4 (commencing with Section 16951) of Chapter 1 of Division 13 of, and to repeal Section 16807 of, the Education Code, relating to the public school system.

[Approved by Governor September 16, 1970. Filed with Secretary of State September 16, 1970.]

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

SECTION 1. Section 892.2 of the Education Code is amended to read:

892.2. The county superintendent of schools may, with the approval of the county board of education, enter into an agreement with the state, the Federal Bureau of Indian Affairs, any political subdivision, or any agency of the state or of any political subdivision, to conduct and maintain distribution among schools of districts under the jurisdiction of the county superintendent of schools, under such conditions as are agreed upon, of audial and visual instruction materials and apparatus approved by the constituted educational authorities. The state, any political subdivision, or any agency of the state or of any political subdivision may enter into any agreement with a county superintendent of schools authorized by this article.

SEC. 1.5. Section 16801 of the Education Code is amended to read:

16801. The governing board of any school district may provide for the transportation of pupils to and from school whenever in the judgment of the board such transportation is advisable and good reasons exist therefor. The governing board may purchase or rent and provide for the upkeep, care, and operation of vehicles, or may contract and pay for the transportation of pupils to and from school by common carrier or municipally owned transit system, or may contract with and pay responsible private parties for the transportation. Such contracts may be made with the parent or guardian of the pupil being transported. A governing board may allow the transportation in schoolbuses owned or operated by the district of preschool or nursery school pupils. No state reimbursement may be received by a district for the transportation of such pupils.

Whenever the term "municipally owned transit system" appears in this chapter, it means a transit system owned by a city, or by a district created under Part 1 (commencing with Section 24501) of Division 10 of the Public Utilities Code.

SEC. 2. Section 16802 of the Education Code is amended to read:

16802. In order to procure the service at the lowest possible figure consistent with proper and satisfactory service, the governing board shall, whenever an expenditure of more than five

thousand dollars ($5,000) is involved, secure bids pursuant to Sections 15951 and 15952 whenever it be contemplated that a contract may be made with a person or corporation other than a common carrier or a municipally owned transit system or a parent or guardian of the pupils to be transported. The governing board may let the contract for the service to other than the lowest bidder. No board shall make any purchase or enter into any contract for the service without securing the written approval of the county superintendent of schools.

SEC. 3. Section 16807 of the Education Code is repealed.

SEC. 4. Section 16901 of the Education Code is amended to read:

16901. The governing board of any school district may contract for the transportation of pupils attending schools within the district to and from any exposition or fair, school activities, or other activities which the governing board determines to be for the benefit of the pupils, in this state, and may pay for the transportation out of any funds of the district available for the purpose.

SEC. 5. Article 4 (commencing with Section 16951) of Chapter 1 of Division 13 of the Education Code is repealed.

SEC. 6. Section 21105 of the Education Code is amended to read:

21105. Each order drawn against the funds of a school district shall be numbered and shall state: (a) the particular fund or funds of the district against which it is drawn, (b) the amount of the payment to be made from each fund, and (c) the rate of salary and the period of service of any employee of the district for whom an order is issued for payment of salary or wages. If drawn for any purpose other than the payment of salaries or wages of school district employees, the order shall be accompanied by an itemized bill showing the separate items and the price of each.

CHAPTER 1229

An act to amend Section 39052.1 of the Health and Safety Code, relating to air pollution, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 16, 1970. Filed with Secretary of State September 16, 1970.]

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

SECTION 1. Section 39052.1 of the Health and Safety Code is amended to read:

39052.1. (a) The board shall establish a statewide exhaust control device testing program to be concluded by no later than

November 1, 1971, so as (1) to improve the state of the art of exhaust emission controls, (2) to ascertain technological feasibility to meet specific standards, (3) to establish that low-emission devices are feasible from the standpoint of economy, and (4) to compile information and data on the basis of experience on the use of various types of exhaust emission control devices on motor vehicles. As part of such program, the board shall require the supplier or his agent to install the exhaust control devices of one or more types, and the board shall, when the supplier or suppliers or their agents are personally present, test, inspect, and service the exhaust control devices on not more than 75 new motor vehicles purchased by the state, and operated by the Department of the California Highway Patrol, Department of General Services, and Division of Highways. Not more than 10 motor vehicles operated by the Department of the California Highway Patrol shall be used to test, inspect, and service exhaust control devices pursuant to this section.

In cases of an emergency, the board may perform the necessary emergency repair work on the devices without the presence of the supplier or his agent, but the board shall forthwith notify the supplier or his agent, orally and in writing, of the nature and extent of the emergency repairs. The board shall permit the supplier or his agent, at the earliest opportunity, to repair or replace the devices without any charge to the state for such repair or replacement, if the supplier or his agent elects to do so.

(b) The board shall adopt standards for exhaust emissions for such motor vehicles and engines, and shall select exhaust control devices which comply with such standards and which are technologically feasible. Exhaust emissions from such motor vehicles and engines shall be at substantially the following levels or as near thereto as it is technologically feasible to attain:

(1) Hydrocarbons—1 gram per vehicle-mile;

(2) Carbon monoxide—15 grams per vehicle-mile;

(3) Oxides of nitrogen—1.5 grams per vehicle-mile.

(c) The test procedure for determining automotive exhaust emissions of hydrocarbons, carbon monoxide, and nitrogen oxides pursuant to this section shall be, as follows:

(1) Each vehicle to be tested shall be assessed for weight by adding 400 pounds to the published shipping weight, or, if this is unknown, by adding 300 pounds to actual operational weight unladen. Dynamometers shall be used in such testing, and the dynamometers shall be provided with inertia wheels equivalent to 1,500 pounds and up in 500-pound increments. A vehicle to be tested must then be tested with the dynamometer inertia

weight closest to its own above-specified test weight according to the following seven-mode cycle:

Seven-Mode Cycle Table

Sequence No.	Mode m.p.h.	Acceleration m.p.h. in secs.	Elapsed time seconds	Cumulative time seconds
(1)	Idle	--	20	20
(2)	0 to 30	2.2	14	34
(3)	30	--	15	49
(4)	30 to 15	—1.4	11	60
(5)	15	--	15	75
(6)	15 to 50	1.2	29	104
(7)	50 to 0	—1.5	33	137

(2) Dynamometer testing of the motor vehicle shall begin with a cold start following at least eight hours of inoperative cooling of the motor vehicle. The initial 20 seconds shall not be sampled. The above seven-mode cycle shall be performed in sequence seven times, followed by one contiguous acceleration at wide-open throttle from 0 to 60 m.p.h. for however many seconds elapsed time are required to perform such acceleration, followed by a power-off deceleration, in gear, which shall end the test either when the car achieves idle r.p.m. or at the end of 30 seconds, whichever shall first occur.

(3) A plastic bag of sufficient capacity to contain the entire sample shall be flushed with air and evacuated. The entire exhaust gas volume shall be reduced to ambient temperature, and water thereby precipitated shall be drained out of the system. The remaining dry exhaust gas shall then be gathered into the plastic bag and mixed for at least five minutes by end-to-end circulation employing a blower of 35 cubic feet per minute minimum capacity. Samples shall be drawn to determine hydrocarbons and oxides of nitrogen in parts per million and carbon dioxide and carbon monoxide in percentage. Hydrocarbon readings obtained by NDIR shall be multiplied by 1.8. The following calculation is necessary to ascertain air dilution:

$$\frac{14.5}{\%\ CO_2 + (0.5)\ \%\ CO + (6.0)\ \%\ HC,}$$

where HC, CO, and CO_2 are expressed in percentages $\left\{\frac{ppm}{10{,}000}\right\}$ and the resulting air dilution factor used as a multiplier to correct HC, CO, and NO_x values.

(4) For the duration of the test, consumption of fuel (normally extracted from a separate tank to insure uniformity)

shall be noted and dynamometer mileage measured. These data are sufficient to calculate the following results:

$$.116 \frac{\text{ppm HC}}{\text{mi/gal}} = \text{grams/mile HC}$$

$$379 \frac{\%\ \text{CO}}{\text{mi/gal}} = \text{grams/mile CO}$$

$$.062 \frac{\text{ppm } NO_x}{\text{mi/gal}} = \text{grams/mile } NO_2$$

(d) For not more than one year after the date of installation of such exhaust control devices, the board shall, at intervals of 5,000 miles or four months, whichever comes first, test, inspect, and service such exhaust control devices. The Department of General Services, the Department of the California Highway Patrol, and the Division of Highways shall furnish to the board, upon request, the motor vehicles upon which such devices are to be installed and shall cooperate with the board in the testing, inspection, and servicing by the board of such devices.

(e) The board shall submit a written report to the Legislature by December 15, 1971, on the result of the four points of the exhaust control device testing program established pursuant to this section, including all data on all vehicles tested under this program and a detailed analysis of all facets of the testing program.

(f) The abbreviations used in this section have the following meanings:

(1) HC means hydrocarbons.
(2) CO_2 means carbon dioxide.
(3) CO means carbon monoxide.
(4) Gal. means gallon.
(5) Mi. means mile.
(6) M.p.h. means miles per hour.
(7) NO_x means oxides of nitrogen.
(8) NO_2 means nitrogen dioxide.
(9) P.p.m. means parts per million.
(10) R.p.m. means revolutions per minute.
(11) Sec. means seconds.
(12) NDIR means nondispersive infrared.

SEC. 2. An amount equal to the unexpended balance, as of June 30, 1970, of the appropriation made by Section 4 of Chapter 945 of the Statutes of 1968, as amended by Chapter 650 of the Statutes of 1969, for purposes of Section 39052.1 of the Health and Safety Code is hereby appropriated to the State Air Resources Board for such purposes.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall

go into immediate effect. The facts constituting such necessity are:

The State Air Resources Board is presently conducting a statewide exhaust control device testing program and preparing a written report thereon to be submitted to the Legislature. In order that the later dates provided for in this act for the completion of the above tasks be in effect before the expiration of the period within which the board is presently required to complete these tasks, it is necessary that this act take effect immediately.

CHAPTER 1230

An act to add Section 24354.13 to the Health and Safety Code, relating to air pollution.

[Approved by Governor September 16, 1970. Filed with Secretary of State September 16, 1970.]

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

SECTION 1. Section 24354.13 is added to the Health and Safety Code, to read:

24354.13. The board shall establish standards for the emission of identifiable odor-causing substances. Exceptions or variances may be granted from such standards in a manner provided by the board. No person shall discharge from any source any contaminant which violates such standards.

CHAPTER 1231

An act to amend Sections 25605 and 27005 of the Corporations Code, to amend Sections 8709 and 18610 of, and to repeal Sections 254, 5023, 8710, 8754, 8807, and 17417 of, the Financial Code, to amend Section 6254 of the Government Code, and to repeal Section 735 of the Insurance Code, relating to public records.

[Approved by Governor September 16, 1970. Filed with Secretary of State September 16, 1970.]

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

SECTION 1. Section 25605 of the Corporations Code is amended to read:

25605. (a) The commissioner may publish any information filed with him or obtained by him, if, in the judgment of the commissioner, such action is in the public interest. No provision of this law authorizes the commissioner or any of his assistants, clerks, or deputies to disclose any information withheld from public inspection except among themselves or when necessary or appropriate in a proceeding or investigation under

this law or to other federal or state regulatory agencies. No provision of this law either creates or derogates from any privilege which exists at common law or otherwise when documentary or other evidence is sought under a subpoena directed to the commissioner or any of his assistants, clerks, or deputies.

(b) It is unlawful for the commissioner or any of his assistants, clerks, or deputies to use for personal benefit any information which is filed with or obtained by the commissioner and which is not then generally available to the public.

SEC. 2. Section 27005 of the Corporations Code is amended to read:

27005. The commissioner may at any time give, issue, or make public any information, facts, or data in his possession concerning any company or individual, if in his judgment giving, issuing, or publishing it will tend to prevent fraud or injury to the public.

SEC. 3. Section 254 of the Financial Code is repealed.

SEC. 4. Section 5023 of the Financial Code is repealed.

SEC. 5. Section 8709 of the Financial Code is amended to read:

8709. A copy of each annual report made to the commissioner shall be kept at each office of the commissioner.

SEC. 6. Section 8710 of the Financial Code is repealed.

SEC. 7. Section 8754 of the Financial Code is repealed.

SEC. 8. Section 8807 of the Financial Code is repealed.

SEC. 9. Section 17417 of the Financial Code is repealed.

SEC. 10. Section 18610 of the Financial Code is amended to read:

18610. (a) On or before the 15th day of March of every year, each company shall file with the commissioner an audit report containing audited financial statements together with such other relevant information as the commissioner may require relating to the company and to each place of business of the company. The audited financial statements shall include a balance sheet of the company prepared as of the last day of the preceding calendar year and statements of income and of surplus for such calendar year.

(b) A company shall, when requested by the commissioner, submit its unaudited financial statements, prepared in accordance with generally accepted accounting principles and consisting of at least a balance sheet and a statement of income as of the date and for the period specified by the commissioner. The commissioner may require the submission of such reports on a monthly or other periodic basis.

(c) A company whose certificate has been surrendered or revoked shall, on or before 105 days after the effective date of such surrender or revocation, submit to the commissioner a closing audit report containing audited financial statements as of such effective date for the 12 months ending with such effective date, or for such other period as the commissioner may specify. Such report shall include the information required by subdivision (a) of this section and other relevant

information specified by the commissioner. A company which has complied with this subdivision is exempted from the provisions of subdivision (a).

(d) The reports and financial statements referred to in subdivisions (a) and (c) shall be prepared in accordance with generally accepted accounting principles and shall be accompanied by a report, certificate, or opinion of an independent certified public accountant or independent public accountant, and shall contain such relevant information as the commissioner may require. The audits shall be conducted in accordance with generally accepted auditing standards and the rules and regulations of the commissioner.

(e) A company shall make other special reports to the commissioner as the commissioner may from time to time require.

(f) For good cause and upon written request, the commissioner may extend the time for compliance with subdivisions (a) and (c).

(g) For the purposes of the composite report provided for by Section 18611, each company shall furnish statistical information as is reasonably required by the commissioner, including information for each place of business of the company and as to any parent, subsidiary or affiliated company. An affiliated company is a company under substantially the same management or control, directly or indirectly, as the company.

(h) If the report, certificate or opinion of the independent accountant referred to in subdivision (d) hereof is in any way qualified, the commissioner may require the company to take such action as he deems appropriate to permit an independent accountant to remove such qualification from the report, certificate or opinion.

(i) The commissioner may reject any financial statement, report, certificate or opinion filed pursuant to this section by notifying the company required to make such filing of its rejection and the cause thereof. Within 30 days after the receipt of such notice, the company shall correct such deficiency, and the failure so to do shall be deemed a violation of this division. The commissioner shall retain a copy of all filings so rejected.

(j) The commissioner may by rule or regulation specify the form and contents of the financial statements, reports, certificates and opinions required to be filed pursuant to this section, and may require that such reports and financial statements be verified in such manner as he may prescribe.

SEC. 11. Section 6254 of the Government Code is amended to read:

6254. Nothing in this chapter shall be construed to require disclosure of records that are:

(a) Preliminary drafts, notes, or interagency or intra-agency memoranda which are not retained by the public agency in the ordinary course of business, provided that the public interest in withholding such records clearly outweighs the public interest in disclosure;

(b) Records pertaining to pending litigation to which the public agency is a party, or to claims made pursuant to Division 3.6 (commencing with Section 810) of Title 1 of the Government Code, until such litigation or claim has been finally adjudicated or otherwise settled;

(c) Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy;

(d) Contained in or related to:

(1) Applications filed with any state agency responsible for the regulation or supervision of the issuance of securities or of financial institutions, including, but not limited to, banks, savings and loan associations, industrial loan companies, credit unions, and insurance companies;

(2) Examination, operating, or condition reports prepared by, on behalf of, or for the use of any state agency referred to in subdivision (1);

(3) Preliminary drafts, notes, or interagency or intra-agency, communications prepared by, on behalf of, or for the use of any state agency referred to in subdivision (1); or

(4) Information received in confidence by any state agency referred to in subdivision (1).

(e) Geological and geophysical data, plant production data and similar information relating to utility systems development, or market or crop reports, which are obtained in confidence from any person;

(f) Records of complaints to or investigations conducted by, or records of intelligence information or security procedures of, the office of the Attorney General and the Department of Justice, and any state or local police agency, or any such investigatory or security files compiled by any other state or local agency for correctional, law enforcement, or licensing purposes;

(g) Test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment, or academic examination;

(h) The contents of real estate appraisals, engineering or feasibility estimates and evaluations made for or by the state or local agency relative to the acquisition of property, or to prospective public supply and construction contracts, until such time as all of the property has been acquired or all of the contract agreement obtained, provided, however, the law of eminent domain shall not be affected by this provision;

(i) Information required from any taxpayer in connection with the collection of local taxes which is received in confidence and the disclosure of the information to other persons would result in unfair competitive disadvantage to the person supplying such information;

(j) Library and museum materials made or acquired and presented solely for reference or exhibition purposes; and

(k) Records the disclosure of which is exempted or prohibited pursuant to provisions of federal or state law, including,

but not limited to, provisions of the Evidence Code relating to privilege.

(*l*) In the custody of or maintained by the Governor or employees of the Governor's office employed directly in his office, provided that public records shall not be transferred to the custody of the Governor's office to evade the disclosure provisions of this chapter.

(m) In the custody of or maintained by the Legislative Counsel.

(n) Statements of personal worth or personal financial data required by a licensing agency and filed by an applicant with such licensing agency to establish his personal qualification for the license, certificate, or permit applied for.

Nothing in this section is to be construed as preventing any agency from opening its records concerning the administration of the agency to public inspection, unless disclosure is otherwise prohibited by law.

SEC. 11.5. Section 6254 of the Government Code is amended to read:

6254. Except as provided in Section 6254.7, nothing in this chapter shall be construed to require disclosure of records that are:

(a) Preliminary drafts, notes, or interagency or intra-agency memoranda which are not retained by the public agency in the ordinary course of business, provided that the public interest in withholding such records clearly outweighs the public interest in disclosure;

(b) Records pertaining to pending litigation to which the public agency is a party, or to claims made pursuant to Division 3.6 (commencing with Section 810) of Title 1 of the Government Code, until such litigation or claim has been finally adjudicated or otherwise settled;

(c) Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy;

(d) Contained in or related to:

(1) Applications filed with any state agency responsible for the regulation or supervision of the issuance of securities or of financial institutions, including, but not limited to, banks, savings and loan associations, industrial loan companies, credit unions, and insurance companies;

(2) Examination, operating, or condition reports prepared by, on behalf of, or for the use of any state agency referred to in subdivision (1);

(3) Preliminary drafts, notes, or interagency or intra-agency communications prepared by, on behalf of, or for the use of any state agency referred to in subdivision (1); or

(4) Information received in confidence by any state agency referred to in subdivision (1).

(e) Geological and geophysical data, plant production data and similar information relating to utility systems develop-

ment, or market or crop reports, which are obtained in confidence from any person;

(f) Records of complaints to or investigations conducted by, or records of intelligence information or security procedures of, the office of the Attorney General and the Department of Justice, and any state or local police agency, or any such investigatory or security files compiled by any other state or local agency for correctional, law enforcement or licensing purposes;

(g) Test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment, or academic examination;

(h) The contents of real estate appraisals, engineering or feasibility estimates and evaluations made for or by the state or local agency relative to the acquisition of property, or to prospective public supply and construction contracts, until such time as all of the property has been acquired or all of the contract agreement obtained, provided, however, the law of eminent domain shall not be affected by this provision;

(i) Information required from any taxpayer in connection with the collection of local taxes which is received in confidence and the disclosure of the information to other persons would result in unfair competitive disadvantage to the person supplying such information;

(j) Library and museum materials made or acquired and presented solely for reference or exhibition purposes; and

(k) Records the disclosure of which is exempted or prohibited pursuant to provisions of federal or state law, including, but not limited to, provisions of the Evidence Code relating to privilege.

(*l*) In the custody of or maintained by the Governor or employees of the Governor's office employed directly in his office, provided that public records shall not be transferred to the custody of the Governor's office to evade the disclosure provisions of this chapter.

(m) In the custody of or maintained by the Legislative Counsel.

(n) Statements of personal worth or personal financial data required by a licensing agency and filed by an applicant with such licensing agency to establish his personal qualification for the license, certificate, or permit applied for.

Nothing in this section is to be construed as preventing any agency from opening its records concerning the administration of the agency to public inspection, unless disclosure is otherwise prohibited by law.

SEC. 12. Section 735 of the Insurance Code is repealed.

SEC. 13. It is the intent of the Legislature that the provisions of this act shall not be construed as removing the privilege of Section 1040 of the Evidence Code in any hearing or action in which the provisions of the California Public Records Act are in issue.

SEC. 14. It is the intent of the Legislature, if amendments to Section 6254 of the Government Code, proposed by both

Section 11 of this bill and Assembly Bill No. 1 are enacted, that both amendments be given effect and incorporated in Section 6254 in the form set forth in Section 11.5 of this act. Therefore, in the event Assembly Bill No. 1 is enacted and amends Section 6254, Section 11.5 of this act shall become operative at the same time that Section 6254 as amended by Assembly Bill No. 1 becomes operative, and at that time, Section 6254 of the Government Code as amended by Section 11 of this act is repealed.

CHAPTER 1232

An act to amend Section 7.6 of the Government Code, relating to constitutional officers.

[Approved by Governor September 16, 1970. Filed with Secretary of State September 16, 1970.]

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

The Superintendent of Public Instruction may designate any person in his office holding a position specified in Section 2.1 of Article IX of the California Constitution to act as a deputy for the purposes of this section, provided that the Superintendent of Public Instruction may not appoint a per-

son to act as a deputy for him at meetings of the State Board of Education, 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 1233

An act to add Section 22500.1 to the Education Code, relating to institutions of public higher education.

[Approved by Governor September 16, 1970. Filed with Secretary of State September 16, 1970.]

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

SECTION 1. Section 22500.1 is added to the Education Code, to read:

22500.1. It is hereby declared to be the policy of the Legislature that all resident applicants to California institutions of public higher education, who are determined to be qualified by law or by admission standards established by the respective governing boards, should be admitted to either (1) the public community colleges, (2) the California State Colleges, or (3) the University of California.

CHAPTER 1234

An act to amend Sections 69894.1, 69903, 69903.1, 70044.5, 70046.2, 70063, 72604, 72608, 72640, 72645, 72646, 72647, 72702, 72702.5, 72703, 72704, 72704.5, 72705, 72707, 72709, 72710, 72712, 72751, 72751.1, 72751.5, 72752, 72753, 72754, 73076, 73084.1, 73084.2, 73084.3, 73084.4, 73084.5, 73085.1, 73085.2, 73085.3, 73085.4, 73085.5, 73085.6, 73087, 73088, 73089, 73090, 73090.1, 73096, 73107, 73110, 73113, 73113.5, 73351.1, 73355, 73357, 73433, 73438.1, 73484, 73522, 73523, 73523.2, 73526, 73562, 73563, 73563.1, 73563.2, 73602, 73603, 73603.2, 73606, 73643, 73682, 73683, 73684, 73688, 73689, 73692, 73694, 73773, 73778.5, 73823, 73824, 74132, 74134, 74135, 74136, 74137, 74138, 74139, 74192, 74193, 74194, 74195, 74222, 74223, 74223.1, 74223.2, 74302, 74303, 74303.2, 74306, 74502, 74503, 74504, 74692, 74693, 74693.1, 74843, 74936, 74937, 74938, 74939, and 74940 of, to add Sections 69903.2, 70045.8, 72113, 72750.5, 73487.5, 74647, 74648, 74649, 74650, and 74651 to, the Government Code, relating to court attachés.

[Approved by Governor September 16, 1970. Filed with Secretary of State September 16, 1970.]

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
2	Accounting clerk	34
3	Accounting technician	38
3	Administrative assistant	46
14	Administrative secretary	43
1	Assistant director, family counseling services	67
1	Assistant jury commissioner	62
1	Assistant supervising counselor, mental health	63
1	Assistant supervising probate attorney	73
1	Assistant supervising juvenile traffic hearing officer	63
1	Assistant to the executive officer	69
1	Chief, administrative services	70
2	Chief clerk	50
1	Chief, personnel division	65
45	Clerk I	26
82	Clerk II	30
42	Clerk III	36
18	Clerk III-Secretary	37
2	Clerk IV	44
40	Counselor	53
68	Court commissioner	F $25,313
225	Court reporter	63
1	Court reporter assignment clerk	43
1	Court statistician	51
1	Criminal courts coordinator	63
1	Director administrative services	70
1	Director, family counseling services	71
1	Driver-messenger	34
1	Duplicating and mail unit supervisor	38
1	Executive assistant	62
1	Executive officer	85
1	Executive secretary	53
3	Family counselor I	53
4	Family counselor II	59
1	Finance officer	61
1	Head, staff services	68
10	Interpreter	38
1	Jury commissioner	69
8	Jury interviewer	44
1	Jury qualification supervisor	49
10	Juvenile traffic hearing officer	57

Number	Title	Schedule
19	Law clerk	52
5	Legal research assistant	43
27	Legal secretary	39
1	Offset duplicator operator	32
1	Payroll records supervisor	43
1	Personnel officer	61
1	Principal administrative assistant	62
3	Principal counselor	61
15	Probate attorney	69
9	Probate checker	42
1	Procurement assistant	40
1	Property and services coordinator	54
5	Property custodian-auditor	36
1	Psychiatric physician FD	$119
10	Referee	75
1	Research attorney	69
1	Secretary and assignment clerk	39
1	Secretary and personnel clerk	39
1	Secretary to executive officer	50
3	Senior administrative assistant	54
20	Senior counselor	57
1	Senior data systems analyst	62
16	Senior family counselor	63
30	Senior judicial secretary	41
25	Senior juvenile traffic hearing officer	59
1	Senior property custodian-auditor	42
14	Senior stenographic secretary	46
1	Supervising counselor, mental health	71
1	Supervising judicial secretary	53
1	Supervising juvenile traffic hearing officer	67
1	Supervising probate attorney	78
1	Supply clerk	34

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. 1.3. 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 less than one thousand six hundred sixty-seven dollars ($1,667) nor more than two thousand twenty-five dollars ($2,025) 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 eight hundred sixty-two dollars ($862) nor more than one thousand forty-eight dollars ($1,048) a month,

(c) One administrative assistant-deputy jury commissioner, who shall receive a salary of not less than seven hundred twenty-seven dollars ($727) nor more than eight hundred eighty-three dollars ($883) a month,

(d) Two senior clerk-deputy jury commissioners, who shall receive a salary of not less than five hundred eighty-four dollars ($584) nor more than seven hundred ten dollars ($710) a month,

(e) Five secretary-deputy jury commissioners, who shall receive a salary of not less than five hundred thirty dollars ($530) nor more than six hundred forty-four dollars ($644) a month,

(f) Three clerks, who shall receive a salary of not less than four hundred eighty-one dollars ($481) nor more than five hundred eighty-four dollars ($584) a month,

(g) One jury payroll and assembly room supervisor-deputy jury commissioner who shall receive a salary of not less than five hundred eighty-four dollars ($584) nor more than seven hundred ten dollars ($710) 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.

SEC. 1.5. Section 69903.1 of the Government Code is amended to read:

69903.1. In such county the superior court may appoint, with the approval of the board of supervisors, the following

persons to assist the conciliation court in disposing of its business and carrying out its functions:

(a) One supervising conciliation counselor, who shall receive a salary of not less than one thousand one hundred dollars ($1,100) nor more than one thousand three hundred thirty-eight dollars ($1,338) a month,

(b) Four deputy conciliation counselors, who shall receive a salary of not less than seven hundred fifty dollars ($750) nor more than one thousand one hundred dollars ($1,100) a month, and

(c) Five clerical positions which shall be in the classified civil service.

All such conciliation counselors shall be appointed by a majority of the judges with the approval of the board of supervisors, salaries to be set within the established ranges by the board of supervisors. Salaries of such clerical positions to be set by the board of supervisors within the salary range set forth in the civil service standards of said county.

SEC. 1.7. Section 69903.2 is added to the Government Code, to read:

69903.2. Notwithstanding any other provision of this article, until 90 days after the final adjournment of the 1971 Regular Session of the Legislature, whenever 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 clerk, secretary-deputy jury commissioner, jury payroll and assembly room supervisor-deputy jury commissioner, administrative assistant-deputy jury commissioner, senior administrative assistant-deputy jury commissioner, supervising conciliation counselor, senior clerk-deputy jury commissioner, deputy conciliation counselor, and jury commissioner specified in this article shall receive correspondingly higher compensation payable at the same time as that higher compensation provided in the salary ordinance of Alameda County.

SEC. 2. Section 70044.5 of the Government Code is amended to read:

70044.5. In a county with a population of 430,000 or more and under 480,000, as determined by the 1960 federal census, official reporters shall be appointed by the judges of the court pursuant to the provisions of Section 70043 and shall serve at the pleasure of the judges. The annual salary of each regular official reporter for the performance of duties required of such reporter by law shall be as follows:

For each such regular official reporter employed by such county and who performs the duties required of him by law the sum of twelve thousand seven hundred fifty dollars ($12,750) per annum for the first year of such service, the sum of thirteen thousand two hundred fifty dollars ($13,250) per annum for the second year of such service, the sum of thirteen thousand seven hundred fifty dollars ($13,750) per annum for the third year of such service, the sum of fourteen thousand

two hundred fifty dollars ($14,250) per annum for the fourth year of such service, and the sum of fourteen thousand seven hundred fifty dollars ($14,750) per annum for the fifth year of such service and for each year of such service thereafter.

In addition to new employees, the salaries herein provided for shall be applicable to regular official reporters employed by such county on the effective date of this section and for the purpose of determining the salaries to be paid after this section becomes effective, all years of service rendered by such reporters to such county prior to the effective date of this section shall be counted in determining the salary to which they are entitled under the salary schedule above mentioned.

The compensation of official reporters pro tempore in the county shall be at the rate of fifty dollars ($50) a day or any fractional part thereof.

Vacation allowances and sick leave allowances for official reporters shall be the same as provided for classified employees of the county under the authority of the county charter.

During the hours which the court is open for the transaction of judicial business, official reporters shall devote full time to the performance of the duties required of them by law and shall not engage in or solicit to engage in any other employment in their professional capacity.

Each official reporter shall perform the duties required of him by law. In addition, he shall render stenographic or clerical assistance, or both, to the judge or judges of the superior court as such judge or judges may direct.

SEC. 3. Section 70045.8 is added to the Government Code, to read:

70045.8. Notwithstanding any other provision of law including but not limited to Sections 70040, 70041, 70042, and 70045, the following provisions shall be applicable to the official court reporters in any county having a population of 82,030 and not over 84,200 as determined by the 1960 federal census:

(a) The regular full-time official court reporters shall perform the following duties:

(1) Report all criminal proceedings.

(2) Report all civil commitment proceedings and all contempt proceedings.

(3) Report all juvenile proceedings other than those heard by juvenile court referee or traffic hearing officer.

(4) Report all family law proceedings.

(5) Report all civil jury trials.

(6) Report all hearings on petitions for extraordinary relief, including but not limited to proceedings for injunctions, mandate, prohibition, certiorari, review, habeas corpus, and coram nobis.

(7) Report all proceedings of the grand jury when requested by the foreman, or by the district attorney or by the county counsel.

(8) Any other court proceedings when a party requests a court reporter in accordance with rules of court.

(9) Report the preliminary examination of those accused of crimes before magistrates within Butte County.

(10) Report coroner's inquests when requested by the coroner.

(11) Report proceedings for the Butte County Board of Equalization when requested by the board.

(b) Each regular full-time court reporter shall be paid at a monthly salary rate established according to the following salary schedule:

(Range)	(Month)	(Annual)
Step A	$1,155	$13,860
Step B	1,213	14,556
Step C	1,273	15,276
Step D	1,337	16,044
Step E	1,405	16,860

Each such reporter shall receive a monthly salary under the schedule corresponding to the length of time that as an official court reporter he has been included within either directly or indirectly by contract the Public Employees' Retirement System of the State of California. Except as provided herein, the initial hiring rate for each position shall be step A, provided further, however, the judges of the superior court may appoint any such court reporter at a higher initial step if in the opinion of the judges of the superior court an individual to be appointed has such experience and qualification as to entitle that individual to such higher initial step. A step advancement from step A to step B may be granted on the first day of the month following the completion of six full months of service in the position. A person may advance to steps C, D, and E upon completion of successive 12-month periods of service. All merit increases as provided herein shall be made at the determination of the judges of the superior court.

The foregoing salary is for compensation for reporting services in the superior court under subdivision (a) of this section. For all transcriptions incident to reporting services, each reporter shall receive the fees provided for in Article 9 (commencing with Section 69941) of this chapter.

The regular full-time official court reporters shall be entitled to the same privileges with respect to retirement, vacation, sick leave, and group insurance, which either now or hereafter may be provided by ordinance to other employees of the said county.

(c) When the regular full-time official court reporters are occupied in the performance of their duties and services pursuant to the provisions of subdivision (a), the judge or judges of the superior court may appoint as many additional official court reporters, who shall be known as official reporters pro tempore, as the business of the courts may require in order that

the judicial business of the court in such county may be carried on without delay. They shall be paid in accordance with the per diem, transcription, and other fee provisions of Article 9 (commencing with Section 69941) of this chapter. Such per diem, traveling and other expenses, and the fees chargeable to the county under the terms of these provisions shall be a proper county charge.

SEC. 4. 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 thirteen thousand one hundred forty-six dollars ($13,146) and each pro tempore reporter shall be paid fifty dollars ($50) 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 ten dollars and fifty cents ($10.50).

SEC. 6. Section 70063 of the Government Code is amended to read:

70063. In any county having a population of 50,000 and not over 55,000, as determined by the 1960 federal census, the official phonographic reporters shall perform the following duties:

(1) Report all proceedings before the superior court;

(2) Report the proceedings of the grand jury;

(3) Act as the secretary of, and render stenographic and clerical assistance to, the judge of the department to which they are assigned by the presiding judge.

The official phonographic reporters of such county shall be paid for their services at a monthly salary rate established according to the following salary schedule:

Step A	Step B	Step C	Step D	Step E
$1,125	$1,175	$1,225	$1,275	$1,325

Except as otherwise provided herein, a person appointed as a regular official phonographic reporter shall receive for his first six months of service a monthly salary at the rate specified in step A. Upon the first day of the month following six months continuous service, such person shall receive a monthly salary at the rate specified in step B. On or after the first day of the month following each ensuing 12 months of continuous service the salary of such person shall be increased to the rate specified in the next higher step of the salary schedule until his salary equals the sum specified in step E of the schedule. All other regular official phonographic reporters shall receive monthly salaries under the schedule according to the length of their service.

The fee required by Section 70053 shall be five dollars ($5).

SEC. 6.5. Section 72113 is added to the Government Code, to read:

72113. Wherever parity of salaries and employee benefits have been established between marshals attachés and county employees by the provisions of this code and a county adopts an educational incentive program by virtue of which employees of the department of sheriff receive additional compensation or remuneration dependent upon the class of certificate acquired from the Commission on Peace Officer Standards and Training, a specialized certificate issued to a peace officer member of a marshal's department shall be deemed to be the equivalent of a Commission on Peace Officer Standards and Training certificate issued to peace officer members of a sheriff's department or a police department of a city.

For the purposes of this section the term "law enforcement experience," as used in the regulations and specifications adopted by the Commission on Peace Officer Standards and Training, shall be deemed to include service in a peace officer classification of a marshals department.

Whenever the requirements of the Commission on Peace Officer Standards and Training for a basic, intermediate, or advanced certificate have been fully met and this fact is certified to the county auditor by a school certified by the Commission on Peace Officer Standards and Training and the marshal, and a certificate is issued, the employee shall be entitled to any additional compensation as described above as though he held such a certificate.

SEC. 7. Section 72604 of the Government Code is amended to read:

72604. Notwithstanding the provisions of Sections 69947 to 69953, inclusive, of the Government Code, or any other provision of law in conflict herewith, in each municipal court in counties having a population of 2,000,000 inhabitants, or over, as determined by the 1950 federal census, except in municipal court districts where a statute provides otherwise, the official reporter and official reporters pro tempore shall receive for their services the same per diem fee paid to official court reporters pro tempore of the Superior Court of Los Angeles County, provided that said fee shall in no event be less than the sum of fifty-five dollars ($55) per day nor more than seventy dollars ($70) per day. All other fees of such reporters for transcription shall be as provided in Sections 69947 to 69953 of the Government Code.

SEC. 8. Section 72608 of the Government Code is amended to read:

72608. Certain classes of positions prescribed in Articles 2, 3 and 4 of Chapter 9, Title 8 of the Government Code are deemed to be equivalent in job and salary level to position classifications included in the Salary Ordinance of Los Angeles County. In order to maintain parity of compensation and employee benefits between such officers and attachés of municipal courts and county employees having commensurate duties and responsibilities and to provide appropriate salary adjustments and employee benefits for related classes of court posi-

tions, the provisions of this section shall govern salary adjustments and employee benefits for officers and attachés of municipal courts in Los Angeles County.

On the effective date of any amendment to said ordinance adjusting the salary of a county employee classification listed in the table of positions set forth in this section, the salary of the equivalent court position listed opposite thereto and each other class of court position indented immediately thereunder shall be adjusted an equivalent number of schedules in the salary schedule to which such position is attached. In no event shall any one such salary adjustment exceed eight schedule numbers. If the level of compensation established by any such salary adjustment is not reflected in the salary schedule number provided for any court classification, the adjustment shall apply to each position in such classification on the effective date of the act fixing such salary schedule number.

Table of Positions

Court classification	County classification
Officers Series	
Inspector	Inspector
Marshal	
Assistant marshal	
Captain	Captain
Lieutenant	Lieutenant
Sergeant	Sergeant
Deputy marshal	Deputy sheriff
Administrative—Branch Supervisor—Courtroom Series	
All positions subject to civil service provisions enumerated in Articles 2, 3 and 4 not listed in this table, except those specified in Section 72704.5.	Superior court clerk
Stenographic Series	
Intermediate stenographic secretary	Intermediate stenographic secretary
Judicial secretary	
Administrative secretary, presiding judge	
Administrative secretary, clerk	
Stenographic secretary	
Senior stenographic secretary	

Clerical Series

Deputy clerk II
Deputy clerk I
Deputy clerk III
Administrative clerk
Typist-clerk
Supply and reproduction supervisor
Supply and reproduction assistant
Deputy clerk-custody officer
Intermediate typist-clerk

Salary adjustments made pursuant to this section shall be effective until 90 days after the adjournment of the next succeeding regular session of the Legislature.

Officers and attachés of municipal courts in Los Angeles County shall be entitled to all employee benefits including, but not limited to, paid medical plans, parking and cafeteria privileges, longevity pay, shooting allowance, and uniform and equipment allowance, that are provided for or made applicable to the equivalent Los Angeles County employee classification.

SEC. 9. Section 72640 of the Government Code is amended to read:

72640. There shall be one marshal for all municipal courts established in judicial districts in Los Angeles County, who shall be appointed pursuant to this article and who shall receive the monthly compensation specified in Schedule 85.

SEC. 10. Section 72645 of the Government Code is amended to read:

72645. The marshal shall appoint:

One assistant marshal who shall receive the monthly compensation specified in Schedule 81.

SEC. 11. Section 72646 of the Government Code is amended to read:

72646. The marshal shall appoint:

(a) Three inspectors, each of whom shall receive monthly compensation as provided in Schedule 75.

(b) Eleven captains, each of whom shall receive monthly compensation as provided in Schedule 67.

(c) Thirty lieutenants, each of whom shall receive monthly compensation as provided in Schedule 61.

(d) Forty sergeants, each of whom shall receive monthly compensation as provided in Schedule 55.

(e) Five hundred deputies, each of whom shall receive monthly compensation as provided in Schedule 49. Appointments to such positions shall be made from civil service lists resulting from open competitive examinations and shall be at step 2 of said schedule; provided, that notwithstanding the provisions of Section 72649, deputies appointed after

October 1, 1965, shall be subject to a 12-month period of probation.

SEC. 12. Section 72647 of the Government Code is amended to read:

72647. The marshal shall appoint:

(a) One senior stenographic secretary who shall receive monthly compensation as provided in Schedule 44.

(b) Two intermediate stenographic secretaries, each of whom shall receive monthly compensation as provided in Schedule 39.

(c) Four stenographic secretaries, each of whom shall receive monthly compensation as provided in Schedule 33.

(d) One supply and reproduction supervisor who shall receive monthly compensation as provided in Schedule 39.

(e) Sixty deputy clerks, grade III, each of whom shall receive monthly compensation as provided in Schedule 34.

(f) Ninety deputy clerks, grade II, each of whom shall receive monthly compensation as provided in Schedule 28.

(g) Twenty-five deputy clerks, grade I, each of whom shall receive monthly compensation as provided in Schedule 22. Appointments to said positions shall be at step 4 of said schedule.

(h) Ten administrative clerks, each of whom shall receive monthly compensation as provided in Schedule 38.

(i) Such deputies who shall be keepers, as may be reasonably required pursuant to law, at the fee allowed by law for keeping property.

(j) One head, administrative services, marshal, who shall receive monthly compensation as provided in Schedule 57.

(k) Fifty deputy clerk-custody officers, each of whom shall receive monthly compensation as provided in Schedule 37.

(*l*) Two principal clerks, each of whom shall receive monthly compensation as provided in Schedule 41.

(m) One staff assistant, marshal, who shall receive monthly compensation as provided in Schedule 44.

(n) One senior staff assistant, marshal, who shall receive monthly compensation as provided in Schedule 50.

(o) One supply and reproduction assistant who shall receive monthly compensation as provided in Schedule 32.

SEC. 13. Section 72702 of the Government Code is amended to read:

72702. There shall be one clerk who shall be appointed by the judges of the court and who shall receive a monthly salary at a rate specified in Schedule 78 of the salary schedule.

SEC. 14. Section 72702.5 of the Government Code is amended to read:

72702.5. The clerk may appoint one chief deputy clerk who shall receive a monthly salary at a rate specified in Schedule 68 of the salary schedule.

SEC. 15. Section 72703 of the Government Code is amended to read:

72703. The clerk may appoint:

(a) One deputy clerk who shall be chief, traffic division, and who shall receive a monthly salary at a rate specified in Schedule 61.

(b) One deputy clerk who shall be chief, civil division, and who shall receive a monthly salary at a rate specified in Schedule 61.

(c) One deputy clerk who shall be chief, criminal division, and who shall receive a monthly salary at a rate specified in Schedule 61.

(d) One deputy clerk who shall be chief, accounting division, and who shall receive a monthly salary at a rate specified in Schedule 59.

(e) Three deputy clerks, assistant division chiefs, each of whom shall receive a monthly salary at a rate specified in Schedule 56.

(f) One deputy clerk who shall be chief, administrative services, and who shall receive a monthly salary at a rate specified in Schedule 61.

(g) One deputy clerk who shall be administrative jury commissioner, and who shall receive a monthly salary at a rate specified in Schedule 57.

(h) One deputy clerk who shall be assistant secretary and jury commissioner, and who shall receive a monthly salary at a rate specified in Schedule 61.

(i) Four deputy clerks, principal clerk, each of whom shall receive a monthly salary at a rate specified in Schedule 52.

The value, in dollars, of each monthly salary herein shall be at the rates indicated opposite the respective schedule number in the salary schedule.

SEC. 16. Section 72704 of the Government Code is amended to read:

72704. The clerk may also appoint:

(a) Five deputy clerks grade V, each of whom shall receive a monthly salary at a rate specified in Schedule 52.

(b) Seventy-five deputy clerks grade IV, plus one additional such deputy clerk for each judge in excess of 58 and each commissioner in excess of 12 to which the court is or may become entitled by law, each of whom shall receive a monthly salary at a rate specified in Schedule 48.

(c) One deputy clerk, administrative secretary, presiding judge, who shall receive a monthly salary at a rate specified in Schedule 46. Appointments to said position shall be at step 3 of said schedule.

(d) One deputy clerk, administrative secretary, clerk, who shall receive a monthly salary at a rate specified in Schedule 45. Appointments to said position shall be at step 3 of said schedule.

(e) One deputy clerk, jury interviewer, who shall receive a monthly salary at a rate specified in Schedule 43.

(f) Fifteen deputy clerks, judicial secretary, each of whom shall receive a monthly salary at a rate specified in Schedule 39. Appointments to said positions shall be at step 3 of said schedule.

(g) Sixty-five deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 34.

(h) One hundred thirty deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 28.

(i) One hundred sixty deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 24. Appointments to such positions shall be at step 3 of the schedule.

The value, in dollars, of each monthly salary herein shall be at the rates indicated opposite the respective schedule number in the salary schedule.

SEC. 17. Section 72704.5 of the Government Code is amended to read:

72704.5. The clerk may also appoint the following deputy clerks as needed.

(a) One EDP operations supervisor, who shall receive a monthly salary at a rate specified in Schedule 59.

(b) One head keypunch operator, who shall receive a monthly salary at a rate specified in Schedule 39.

(c) Three supervising keypunch operators, each of whom shall receive a monthly salary at a rate specified in Schedule 35.

(d) Three senior keypunch operators, each of whom shall receive a monthly salary at a rate specified in Schedule 32.

(e) Eighty-five keypunch operators, each of whom shall receive a monthly salary at a rate specified in Schedule 28.

(f) One EDP principal data processing analyst, who shall receive a monthly salary at a rate specified in Schedule 66.

(g) One EDP data systems analyst who shall receive a monthly salary at a rate specified in Schedule 55.

(h) One EDP head equipment operator, who shall receive a monthly salary at a rate specified in Schedule 51.

(i) One EDP staff aide who shall receive a monthly salary at a rate specified in Schedule 37.

(j) Six EDP supervising equipment operators, each of whom shall receive a monthly salary at a rate specified in Schedule 49

(k) Six EDP senior equipment operators, each of whom shall receive a monthly salary at a rate specified in Schedule 43.

(*l*) Six EDP equipment operators, each of whom shall receive a monthly salary at a rate specified in Schedule 37.

(m) Six EDP trainees, each of whom shall receive a monthly salary at the rate specified in Schedule 38.

On the effective date of any amendment to the Salary Ordinance of Los Angeles County adjusting the salary of any posi-

tion having the same classification as a court position listed in this section, the salary of such listed court position shall be adjusted an equivalent number of schedules in the salary schedule to which it is attached. If the level of compensation established by any such salary adjustment is not reflected in the salary schedule number provided for any court classification, the adjustment shall apply to each position in such classification on the effective date of the act fixing such salary schedule number. Such salary adjustments shall be effective until 90 days after adjournment of the next succeeding regular session of the Legislature.

Persons occupying positions listed in this section shall be entitled to all employee benefits that are provided for or made applicable to a Los Angeles County employee having an equal period of service.

SEC. 18. Section 72705 of the Government Code is amended to read:

72705. Whenever reference to a numbered salary schedule is made in any section of this article, the schedule found in the salary ordinance of the County of Los Angeles shall apply.

(a) Any deputy clerk of grade I classification who is regularly required to work on Saturdays and Sundays, or any deputy clerk who is required regularly to work a night shift shall receive a one-step increase in basic compensation. A night shift is a tour of duty which commences after 2 p.m. and prior to 6 a.m.

(b) Not more than 18 deputy clerks grade IV, while assigned to duties in divisions of the court requiring greater skill and responsibility, and, at each branch court of three or more divisions, one deputy clerk grade III assigned to supervise not less than 15 deputy clerks shall receive compensation at the rate of the next higher numbered salary schedule which will increase such basic compensation by one step, provided that such branch court or division in said branch shall not have more than two such deputy clerk positions compensated at the next higher schedule at any one time. In any branch court of three or more divisions, the deputy clerk grade V in charge shall receive compensation at the rate of the next higher numbered salary schedule which will increase such basic compensation by two steps.

(c) Unless otherwise specifically provided, each person appointed to a position set forth in Section 72702, 72702.5, 72703, 72704, 72704.5 shall, for the first six months of service, receive monthly the rate of compensation specified in the first step of the salary schedule for the position to which he is appointed. Upon the first day of the month following six months' continuous service in a class, the initial rate of compensation of such person shall be increased to the next higher step of the salary schedule for the position occupied. On and after the first day of the month following each ensuing 12 months of such service such compensation shall be increased to the rate specified in the next higher step of the salary schedule for the

position occupied until such compensation equals the sum specified in step 5 of such schedule.

(d) When any person in the service of the court is appointed or promoted to another office or position in such service compensated at a higher numbered schedule, he shall receive step 1 of such schedule if step 1 is at least one step higher than the salary received in the office or position relinquished; but if not, he shall receive initially that step of the schedule pertaining to such office or position which will provide a one-step increase in his compensation.

(e) When any person in the service of the court is demoted to another office or position he shall receive compensation at the highest step of the salary schedule applicable to the position to which he is demoted which provides a salary not higher than that previously received by such person, except that if such demotion is due to disciplinary action, the appointing power may specify any step rate of such schedule which provides compensation not higher than that last previously received by such person.

SEC. 19. Section 72707 of the Government Code is amended to read:

72707. The judges of the municipal court shall appoint a secretary and jury commissioner, who shall act as executive assistant to the presiding judge and who shall hold office at the pleasure of the judges. He shall possess the same qualifications as the law requires of a judge of the court and receive an annual salary which is one thousand two hundred dollars ($1,200) in excess of that provided by law for a commissioner of the court.

He shall exercise the powers of jury commissioners of superior courts insofar as they are applicable to the municipal courts. In addition and without extra compensation, he may be appointed and serve as a commissioner of the court. He shall be a member of any retirement system which includes attachés of the court and shall be entitled to the same sick leave benefits, including lump sum payment for accumulated sick leave as are provided for or made to a Los Angeles County employee having an equal period of service.

SEC. 20. Section 72709 of the Government Code is amended to read:

72709. Each official reporter in the municipal court appointed pursuant to Section 72194 shall be an attaché of the court. In lieu of any other compensation provided by law for his services in reporting testimony and proceedings in the court, each official reporter shall receive a monthly salary in the same sum as is paid official court reporters of the Superior Court of the County of Los Angeles; provided, that if the amount of said salary is fixed under a step plan of compensation based upon tenure of service, the provisions of Section 72705(c) shall apply in fixing the respective salary step placements for official court reporters of the municipal court and any period of appointment as official court reporters pro tem-

pore of the court shall be included as service under this section. In no event shall the salary of an official municipal court reporter exceed the highest salary paid to an official court reporter of the Superior Court of Los Angeles County, and in no event shall any one adjustment in the rate of the salary exceed eight schedule numbers of the salary schedule. The salaries of official court reporters shall be paid from the reporters' salary fund.

SEC. 21. Section 72710 of the Government Code is amended to read:

72710. The judges of the court may appoint as many additional reporters as the business of the court requires, who shall be known as official reporters pro tempore. They shall serve without salary, but shall receive the fees provided by Sections 69947 to 69953, inclusive, except that in lieu of the per diem fees provided in those sections for reporting testimony and proceedings, the official reporters pro tempore shall in all cases receive the same per diem fee paid official court reporters pro tempore of the Superior Court of Los Angeles County; provided, that said fee shall in no event be less than the sum of fifty-five dollars ($55) per day nor more than seventy dollars ($70) per day, which upon the order of the court shall be paid from the reporters' salary fund.

SEC. 22. Section 72712 of the Government Code is amended to read:

72712. There shall be set aside from the revenue of the court a revolving fund in the amount of one hundred sixteen thousand dollars ($116,000). The fund shall be known as the reporters' salary fund.

At the time of each monthly distribution of the revenue of the court to the cities within the judicial district and to the county within which the court is established, the clerk of the court shall deduct proportionately from their respective total shares such sum as will, when added to the sum then remaining in the fund, equal one hundred sixteen thousand dollars ($116,000) and deposit it in the fund.

Deductions from the county's share of the revenue shall be made from that portion of it distributable to the salary fund of the county, and deductions from each city's share shall be made from that portion of it distributable to the general fund of each city.

For the purposes of this section the "revenue" of the court includes all fines, forfeitures, and fees accruing to the cities or the county, except law library fees.

SEC. 23. Section 72750.5 is added to the Government Code, to read:

72750.5. In each municipal court district having seven judges authorized by law the officers and attachés shall be appointed and compensated as follows:

There shall be one clerk, appointed by the judges of the court, who shall receive a monthly salary at a rate specified in Schedule 66.

The clerk may appoint:

(a) Eleven deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 24. Appointment to said positions shall be at step 3 of said schedule.

(b) Thirteen deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 28.

(c) Nine deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 34.

(d) Nine deputy clerks grade IV, plus one additional such deputy clerk for each commissioner appointed pursuant to Section 72757, each of whom shall receive a monthly salary at a rate specified in Schedule 48.

(e) One deputy clerk, judicial secretary, who shall receive a monthly salary at a rate specified in Schedule 39.

(f) One chief clerk—administrative services, who shall receive a monthly salary at a rate specified in Schedule 53.

(g) One jury secretary who shall receive a monthly salary at a rate specified in Schedule 53.

(h) One chief clerk—civil, who shall receive a monthly salary at a rate specified in Schedule 53.

(i) One chief clerk—criminal, who shall receive a monthly salary at a rate specified in Schedule 53.

(j) One chief clerk—traffic, who shall receive a monthly salary at a rate specified in Schedule 53.

(k) One occupant of chief clerk position as set forth in this section shall be designated by the clerk as assistant clerk and shall receive a one-step increase in compensation.

SEC. 24. Section 72751 of the Government Code is amended to read:

72751. In each municipal court district having six judges authorized by law the officers and attachés shall be appointed and compensated as follows:

There shall be one clerk, appointed by the judges of the court, who shall receive a monthly salary at a rate specified in Schedule 64.

The clerk may appoint:

(a) Ten deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 24. Appointment to said positions shall be at step 3 of said schedule.

(b) Twelve deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 28.

(c) Eight deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 34.

(d) Eight deputy clerks grade IV, plus one additional such deputy clerk for each commissioner appointed pursuant to Section 72757, each of whom shall receive a monthly salary at a rate specified in Schedule 48.

(e) One deputy clerk, judicial secretary, who shall receive a monthly salary at a rate specified in Schedule 38.

(f) One chief deputy clerk who shall receive a monthly salary at a rate specified in Schedule 55.

SEC. 25. Section 72751.1 of the Government Code is amended to read:

72751.1. In each municipal court district having five judges authorized by law the officers and attachés shall be appointed and compensated as follows:

There shall be one clerk, appointed by the judges of the court, who shall receive a monthly salary at a rate specified in Schedule 63.

The clerk may appoint:

(a) Nine deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 24. Appointments to said positions shall be at step 3 of said schedule.

(b) Eleven deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 28.

(c) Nine deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 34.

(d) Seven deputy clerks grade IV, plus one additional such deputy clerk for each commissioner appointed pursuant to Section 72757, each of whom shall receive a monthly salary at a rate specified in Schedule 48.

(e) One chief deputy clerk who shall receive a monthly salary at a rate specified in Schedule 54.

SEC. 26. Section 72751.5 of the Government Code is amended to read:

72751.5. In each municipal court district having four judges authorized by law the officers and attachés shall be appointed and compensated as follows:

There shall be one clerk, appointed by the judges of the court, who shall receive a monthly salary at a rate specified in Schedule 63.

The clerk may appoint:

(a) Nine deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 24. Appointments to said positions shall be at step 3 of said schedule.

(b) Eleven deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 28.

(c) Eight deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 34.

(d) Six deputy clerks grade IV, plus one additional such deputy clerk for each commissioner appointed pursuant to Section 72757, each of whom shall receive a monthly salary at a rate specified in Schedule 48.

(e) One chief deputy clerk who shall receive a monthly salary at a rate specified in Schedule 54.

SEC. 27. Section 72752 of the Government Code is amended to read:

72752. In each municipal court district having three judges authorized by law the officers and attachés shall be appointed and compensated as follows:

There shall be one clerk, appointed by the judges of the court, who shall receive a monthly salary at a rate specified in Schedule 62.

The clerk may appoint:

(a) Nine deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 24. Appointments to said positions shall be at step 3 of said schedule.

(b) Eleven deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 28.

(c) Nine deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 34.

(d) Five deputy clerks grade IV, plus one additional such deputy clerk for each commissioner appointed pursuant to Section 72757, each of whom shall receive a monthly salary at a rate specified in Schedule 48.

(e) One chief deputy clerk who shall receive a monthly salary at a rate specified in Schedule 54.

SEC. 28. Section 72753 of the Government Code is amended to read:

72753. In each municipal court district having two judges authorized by law the officers and attachés shall be appointed and compensated as follows:

There shall be one clerk, appointed by the judges of the court, who shall receive a monthly salary at a rate specified in Schedule 62.

The clerk may appoint:

(a) Six deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 24. Appointments to said positions shall be at step 3 of said schedule.

(b) Eight deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 28.

(c) Six deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 34.

(d) Three deputy clerks grade IV, plus one additional such deputy clerk for each commissioner appointed pursuant to Section 72757, each of whom shall receive a monthly salary at a rate specified in Schedule 48.

(e) One chief deputy clerk who shall receive a monthly salary at a rate specified in Schedule 54.

SEC. 29. Section 72754 of the Government Code is amended to read:

72754. In each municipal court district having one judge authorized by law the officers and attachés shall be appointed and compensated as follows:

There shall be one clerk, appointed by the judge of the court, who shall receive a monthly salary at a rate specified in Schedule 60.

The clerk may appoint:

(a) Two deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 24. Appointments to said positions shall be at step 3 of said schedule.

(b) Three deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 28.

(c) Two deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 34.

(d) Two deputy clerks grade IV, plus one additional such deputy clerk for each commissioner appointed pursuant to Section 72757, each of whom shall receive a monthly salary at a rate specified in Schedule 48; provided, however, that one of such deputy clerks grade IV whose regular duties shall include the supervision of clerical personnel shall, for the duration of such assignment, receive compensation at the rate of the next higher numbered salary schedule which will increase his basic compensation by one step.

SEC. 30. 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
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

Schedule number	Step 1	Step 2	Step 3	Step 4	Step 5
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
60	1,626	1,707	1,792	1,882	1,976
60.5	1,667	1,750	1,837	1,929	2,025
61	1,707	1,792	1,882	1,976	2,075
61.5	1,750	1,837	1,929	2,025	2,126
62	1,792	1,882	1,976	2,075	2,179
62.5	1,837	1,929	2,025	2,126	2,232
63	1,882	1,976	2,075	2,179	2,288
63.5	1,929	2,025	2,126	2,232	2,344
64	1,976	2,075	2,179	2,288	2,402
64.5	2,025	2,126	2,232	2,344	2,461
65	2,075	2,179	2,288	2,402	2,522
65.5	2,126	2,232	2,344	2,461	2,584
66	2,179	2,288	2,402	2,522	2,648
66.5	2,232	2,344	2,461	2,584	2,713
67	2,288	2,402	2,522	2,648	2,780
67.5	2,344	2,461	2,584	2,713	2,849
68	2,402	2,522	2,648	2,780	2,919
68.5	2,461	2,584	2,713	2,849	2,991
69	2,522	2,648	2,780	2,919	3,065
69.5	2,584	2,713	2,849	2,991	3,141

SEC. 31. 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 56 of the salary schedule.

SEC. 32. 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 48 of the salary schedule.

SEC. 33. 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 52 of the salary schedule.

SEC. 34. 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 53 of the salary schedule.

SEC. 35. 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 50 of the salary schedule.

SEC. 36. 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 49 of the salary schedule.

SEC. 37. 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 47 of the salary schedule.

SEC. 38. 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 44 of the salary schedule.

SEC. 39. 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 42 of the salary schedule.

SEC. 40. 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 38 of the salary schedule, except as otherwise provided in Section 73089.

SEC. 41. 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 34 of the salary schedule. Appointments to such position shall be at step 2 of the schedule.

SEC. 42. 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) Two deputy clerks grade III.
(c) Three deputy clerks grade II.
(d) Two deputy clerks grade I.

SEC. 43. 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) Seven deputy clerks grade IV.
(c) Four deputy clerks grade III.
(d) Ten deputy clerks grade II.
(e) Four deputy clerks grade I.

SEC. 44. 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) Twenty-two deputy clerks grade IV.
(c) Fifteen deputy clerks grade III.
(d) Thirty-seven deputy clerks grade II; provided, that not to exceed 12 such deputy clerks may be assigned to perform duties as bail office tellers at the additional compensation of two schedule numbers.
(e) Twenty-nine deputy clerks grade I.

SEC. 45. 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) Fourteen deputy clerks grade II.
(e) Twelve deputy clerks grade I.

SEC. 46. 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) Five deputy clerks grade I.

SEC. 46.5. Section 73096 of the Government Code is amended to read:

73096. Official reporters of municipal courts in Alameda County, in lieu of any other compensation provided by law for their services in reporting testimony and proceedings in such court, shall receive fifty-five dollars ($55) a day for the days they actually are on duty under order of the court; provided, that not to exceed two official reporters in a judicial district having nine or more judges shall each receive an annual salary, vacation leave and sick leave, in the same amounts as the official reporters of the superior court in a county with a population of 850,000 and under 1,000,000 as determined by the 1960 federal census.

SEC. 47. Section 73107 of the Government Code is amended to read:

73107. There shall be one municipal court coordinator of the San Bernardino County Municipal Court District who shall be appointed by a majority vote of the council of presiding judges from among the top three applicants certified to said council by the Civil Service Commission of the County of San Bernardino on the basis of a competitive examination. He shall receive a salary at a rate specified in range 76 of Section 73113.5. He shall be the appointing power for those positions listed in Section 73113.

SEC. 48. Section 73110 of the Government Code is amended to read:

73110. There shall be one marshal of the San Bernardino County Municipal Court District who shall be appointed by, and serve at the pleasure of, a majority of the council of presiding judges and who shall receive a salary at a rate specified in range 69 of Section 73113.5.

SEC. 49. Section 73113 of the Government Code is amended to read:

73113. The number of positions within each job classification which may be filled by appointment by the municipal court coordinator and the marshal, and the number of the salary range set forth in Section 73113.5 which constitutes the compensation for each job classification, are designated in the table below, in which the various divisions are designated by column headings from left to right in the same order that the divisions are named in Section 73101:

Job classifications	Salary range	Authorized positions East	Central	Valley	West Valley	Desert
Appointed by the municipal court coordinator						
Clerk of the municipal court II	65		1		1	
Clerk of the municipal court I	61	1		1		1
Assistant clerk of the municipal court II	58		1		1	
Assistant clerk of the municipal court I	51	1		1		1
Municipal court chief clerk	51		2			
Municipal court calendar clerk	51		1			
Municipal court clerk	50	1	5	1	3	1
Municipal court clerk assistant	44		1		1	
Principal clerk	40		1			
Senior fiscal assistant	43		1			
Senior stenographer-clerk	40		1		1	
Senior clerk	37	1	4	4	3	4
Stenographer clerk	34		1			
Intermediate clerk	31	3	13	2	5	2
Clerk	27		2		2	

Job classifications	Salary range	Authorized positions East	Central	Valley	West Valley	Desert
Appointed by the marshal (without reference to divisional assignment)						
Marshal's captain	63			1		
Marshal's lieutenant	59			1		
Marshal's sergeant *	56			5		
Marshal's clerical coordinator	48			1		
Deputy marshal	52			17		
Bailiff	45			2		
Senior clerk	37			4		
Intermediate clerk	31			6		
Clerk	27			1		

* Present Desert Division commander shall have additional title of assistant marshal.

SEC. 50. Section 73113.5 of the Government Code is amended to read:

73113.5. The schedule of salary ranges referred to in this chapter is set forth in the following table. Stated salaries are approximate monthly salaries which are to be paid biweekly in accordance with the same provisions which govern payment of classified employees of the County of San Bernardino.

Basic Salary Schedule

Range No.	Salary steps									Hourly rates	
	A	1	B	2	C	3	D	4	E	40	45
22	$351	$360	$369	$378	$387	$397	$407	$417	$427	$2.03	
23	360	369	378	387	397	407	417	427	438	2.08	
24	369	378	387	397	407	417	427	438	449	2.13	
25	378	387	397	407	417	427	438	449	460	2.18	
26	387	397	407	417	427	438	449	460	471	2.23	
27	397	407	417	427	438	449	460	471	483	2.29	
28	407	417	427	438	449	460	471	483	495	2.35	
29	417	427	438	449	460	471	483	495	507	2.41	
30	427	438	449	460	471	483	495	507	519	2.46	
31	438	449	460	471	483	495	507	519	532	2.53	
32	449	460	471	483	495	507	519	532	545	2.59	
33	460	471	483	495	507	519	532	545	559	2.65	
34	471	483	495	507	519	532	545	559	573	2.72	
35	483	495	507	519	532	545	559	573	587	2.79	$2.48
36	495	507	519	532	545	559	573	587	601	2.86	2.54
37	507	519	532	545	559	573	587	601	616	2.93	2.60
38	519	532	545	559	573	587	601	616	631	2.99	2.66
39	532	545	559	573	587	601	616	631	647	3.07	2.73
40	545	559	573	587	601	616	631	647	663	3.14	2.79
41	559	573	587	601	616	631	647	663	679	3.23	2.87
42	573	587	601	616	631	647	663	679	696	3.31	2.94
43	587	601	616	631	647	663	679	696	713	3.39	3.01
44	601	616	631	647	663	679	696	713	731	3.47	

Range No.	Salary steps A	1	B	2	C	3	D	4	E	Hourly rates 40	45
45	616	631	647	663	679	696	713	731	749	3.55	
46	631	647	663	679	696	713	731	749	767	3.64	
47	647	663	679	696	713	731	749	767	786	3.73	
48	663	679	696	713	731	749	767	786	805	3.83	
49	679	696	713	731	749	767	786	805	825	3.92	
50	696	713	731	749	767	786	805	825	845	4.02	
51	713	731	749	767	786	805	825	845	866	4.11	
52	731	749	767	786	805	825	845	866	887	4.22	
53	749	767	786	805	825	845	866	887	909	4.32	
54	767	786	805	825	845	866	887	909	931	4.43	
55	786	805	825	845	866	887	909	931	954	4.54	
56	805	825	845	866	887	909	931	954	978	4.64	
57	825	845	866	887	909	931	954	978	1,002	4.76	
58	845	866	887	909	931	954	978	1,002	1,027	4.88	
59	866	887	909	931	954	978	1,002	1,027	1,052	5.00	
60	887	909	931	954	978	1,002	1,027	1,052	1,078	5.12	
61	909	931	954	978	1,002	1,027	1,052	1,078	1,105	5.24	
62	931	954	978	1,002	1,027	1,052	1,078	1,105	1,132	5.37	
63	954	978	1,002	1,027	1,052	1,078	1,105	1,132	1,160	5.50	
64	978	1,002	1,027	1,052	1,078	1,105	1,132	1,160	1,189	5.64	
65	1,002	1,027	1,052	1,078	1,105	1,132	1,160	1,189	1,218	5.78	
66	1,027	1,052	1,078	1,105	1,132	1,160	1,189	1,218	1,248	5.93	
67	1,052	1,078	1,105	1,132	1,160	1,189	1,218	1,248	1,279	6.07	

Range No.	Salary steps A	1	B	2	C	3	D	4	E	Hourly rates 40	45
68	1,078	1,105	1,132	1,160	1,189	1,218	1,248	1,279	1,311	6.22	
69	1,105	1,132	1,160	1,189	1,218	1,248	1,279	1,311	1,343	6.38	
70	1,132	1,160	1,189	1,218	1,248	1,279	1,311	1,343	1,376	6.53	
71	1,160	1,189	1,218	1,248	1,279	1,311	1,343	1,376	1,410	6.69	
72	1,189	1,218	1,248	1,279	1,311	1,343	1,376	1,410	1,445	6.86	
73	1,218	1,248	1,279	1,311	1,343	1,376	1,410	1,445	1,481	7.03	
74	1,248	1,279	1,311	1,343	1,376	1,410	1,445	1,481	1,518	7.20	
75	1,279	1,311	1,343	1,376	1,410	1,445	1,481	1,518	1,555	7.38	
76	1,311	1,343	1,376	1,410	1,445	1,481	1,518	1,555	1,594	7.56	
77	1,343	1,376	1,410	1,445	1,481	1,518	1,555	1,594	1,633	7.75	
78	1,376	1,410	1,445	1,481	1,518	1,555	1,594	1,633	1,674	7.94	
79	1,410	1,445	1,481	1,518	1,555	1,594	1,633	1,674	1,715	8.15	
80	1,445	1,481	1,518	1,555	1,594	1,633	1,674	1,715	1,758	8.34	

The hiring salary for each position set forth shall be the salary in column A. A service period of 13 pay periods shall be required for a salary increase from column A to column B. An additional service period of 26 pay periods shall be required for a salary increase from column B to column C; 26 additional pay periods shall be required for a salary increase from column C to column D; and 26 additional pay periods shall be required for a salary increase from column D to column E.

Administration of the salary plan provided by this chapter, including the hiring date; increases within range; salary on promotion, transfer, or demotion; salary on position reclassification, and all other relevant matters, shall be in accordance with the current personnel rules and ordinances of the County of San Bernardino.

Notwithstanding any other provisions of law, the salary and classifications of municipal court employees provided by Sections 73107, 73110, 73113, and this section may be increased or decreased within the range limits set forth in this section in order to provide classification and compensation that is comparable to county employees of similar qualifications and experience in the classified service of San Bernardino County as such comparability is determined by the civil service commission and the board of supervisors. Any salary increases granted or reclassifications made pursuant to this paragraph shall be effective only until the effective date of general legislation enacted by the Legislature at its next regular session following the date such salary increases are granted or reclassifications made.

SEC. 51. 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 25
(b) Deputy clerk II.....Range 29
(c) Deputy clerk III.....Range 37
(d) Deputy clerk IV.....Range 47
(e) Clerk of court I.....Range 56
(f) Clerk of court II.....Range 61
(g) Deputy marshal I.....Range 49
(h) Deputy marshal II.....Range 53
(i) Marshal I.....Range 63
(j) Marshal II.....Range 67

SEC. 51.5 Section 73355 of the Government Code is amended to read:

73355. In a municipal court district having three judges, the following positions are authorized:

(a) One (1) clerk of the court II.
(b) Five (5) deputy clerks IV.
(c) Three (3) deputy clerks III.

(d) Eight (8) deputy clerks II or deputy clerks I, not to exceed a combined total of eight positions at any one time.

SEC. 52. Section 73357 of the Government Code is amended to read:

73357. In a municipal court district having two judges, the following positions are authorized:

(a) One (1) clerk of the court II

(b) Four (4) deputy clerks IV

(c) Five (5) deputy clerks III

(d) Eleven (11) deputy clerks II or deputy clerks I, not to exceed a combined total of 11 positions at any one time.

SEC. 53. Section 73433 of the Government Code is amended 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) Six deputy municipal court clerks II, one of whom shall be a processing clerk, 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) Ten 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. 54. Section 73438 1 of the Government Code is amended 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 fixed within a salary range which shall be two salary ranges lower than the salary range in which the position of deputy municipal court clerk V is compensated.

SEC. 54.5. Section 73484 of the Government Code is amended to read:

73484. There shall be one marshal who shall receive the biweekly salary specified in range 35.5, step E, as set forth in the biweekly salary schedule contained in Section 73486.

Whenever the salary of the class of lieutenant in the service of San Joaquin County is adjusted, the salary of the marshal shall be adjusted an equal number of ranges on the salary schedule.

If an adjustment in the salary of the class of lieutenant is made in the fiscal year 1970–1971 prior to the effective date of the amendments to this section enacted at the 1970 Regular Session of the Legislature, then the equivalent adjustment authorized by this section shall be made to the salary of the marshal on such effective date.

SEC. 55. Section 73487.5 is added to the Government Code, to read:

73487.5. Notwithstanding any other provision of this article, the biweekly salary of the clerk shall be at the rate specified in range 34 of the salary schedule set forth in Section 73486.

The position of clerk is deemed to be equivalent in job and salary level to the position of chief deputy clerk of the Stockton Judicial District Municipal Court and whenever the salary of such chief deputy clerk is adjusted, the salary of the clerk shall be adjusted an equal number of ranges on the salary schedule.

If an adjustment in the salary of the chief deputy clerk of the Stockton Judicial District Municipal Court is made in the fiscal year 1970–1971 prior to the effective date of this section, then the equivalent adjustment authorized by this section shall be made to the salary of the clerk on the day this section becomes effective.

SEC. 56. 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 42.5 of the salary schedule.

SEC. 57. 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 37.5 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 34.5 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 30.5 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 28.5 of the salary schedule.

SEC. 58. Section 73523.2 of the Government Code is amended to read:

73523.2. Notwithstanding any other provision of this article, until the 61st day after the final adjournment of the next regular session of the Legislature, whenever a higher compensation is provided for positions in the classification of typist-clerk I in the San Mateo County classified service, each person holding a position in any of the classifications specified in this article shall receive proportionately higher compensation on the salary schedule provided for in Section 73523.1 payable at the same time as that higher compensation provided in the salary ordinance of that county.

SEC. 59. Section 73526 of the Government Code is amended to read:

73526. Official reporters shall be appointed by the judges of the court pursuant to the provisions of Section 72194 and shall serve at the pleasure of the judges.

The annual salary of each regular official reporter for the performance of duties required of such reporter by law shall be as follows:

For each such regular official reporter employed by the county and who performs the duties required of him by law the sum of twelve thousand seven hundred fifty dollars ($12,750) per annum for the first year of such service, the sum of thirteen thousand two hundred fifty dollars ($13,250) per annum for the second year of such service, the sum of thirteen thousand seven hundred fifty dollars ($13,750) per annum for the third year of such service, the sum of fourteen thousand two hundred fifty dollars ($14,250) per annum for the fourth year of such service, and the sum of fourteen thousand seven hundred fifty dollars ($14,750) per annum for the fifth year of such service and for each year of such service thereafter.

In addition to new employees, the salaries herein provided for shall be applicable to regular official reporters employed by the county on the effective date of this section and for the purpose of determining the salaries to be paid after this section becomes effective, all years of service rendered by such

reporters to the county prior to the effective date of this section shall be counted in determining the salary to which they are entitled under the salary schedule above mentioned.

The compensation of official reporters pro tempore in the county shall be at the rate of fifty dollars ($50) a day or any fractional part thereof.

Vacation allowances and sick leave allowances for official reporters shall be the same as provided for classified employees of the county under the authority of the county charter.

During the hours which the court is open for the transaction of judicial business, official reporters shall devote full time to the performance of the duties required of them by law and shall not engage in or solicit to engage in any other employment in their professional capacity.

Each official reporter shall perform the duties required of him by law. In addition, he shall render stenographic or clerical assistance, or both, to the judge or judges of the municipal court as such judge or judges may direct.

SEC. 59.1. Section 73562 of the Government Code is amended to read:

73562. There shall be one chief municipal court clerk who shall receive a monthly salary at the rate specified in range 39 of the salary schedule provided in Section 73563.1.

SEC. 59.3. Section 73563 of the Government Code is amended to read:

73563. The clerk may appoint:

One senior municipal court clerk who shall receive a monthly salary at the rate specified in range 31 of the salary schedule provided in Section 73563.1.

Six municipal court clerks who shall receive a monthly salary at the rate specified in range 29 of the salary schedule provided in Section 73563.1.

Eleven typist-clerks II who shall receive a monthly salary at the rate specified in range 25 of the salary schedule provided in Section 73563.1.

SEC. 59.5. Section 73563.1 of the Government Code is amended to read:

73563.1. Whenever reference to a numbered salary range is made in any section of this article, the following schedule of monthly salaries shall apply:

Range No.	A	B	C	D	E	Hourly equiv. step A
25	$401	$423	$446	$470	$496	$2.314
25A	412	435	458	483	510	2.377
26	423	446	470	496	523	2.440
26A	435	458	483	510	538	2.510
27	446	470	496	523	552	2.573
27A	458	483	510	538	568	2.642
28	470	496	523	552	583	2.712
28A	483	510	538	568	599	2.787
29	496	523	552	583	615	2.862

Range No.	A	B	C	D	E	Hourly equiv. step A
29A	510	538	568	599	632	2.942
30	523	552	583	615	649	3.017
30A	538	568	599	632	667	3.104
31	552	583	615	649	685	3.185
31A	568	599	632	667	704	3.277
32	583	615	649	685	723	3.364
32A	599	632	667	704	743	3.456
33	615	649	685	723	763	3.548
33A	632	667	704	743	785	3.646
34	649	685	723	763	806	3.744
34A	667	704	743	785	828	3.848
35	685	723	763	806	851	3.952
35A	704	743	785	828	875	4.062
36	723	763	806	851	899	4.171
36A	743	785	828	875	924	4.287
37	763	806	851	899	949	4.402
37A	785	828	875	924	976	4.529
38	806	851	899	949	1,002	4.650
38A	828	875	924	976	1,030	4.777
39	851	899	949	1,002	1,058	4.910
39A	875	924	976	1,030	1,088	5.048
40	899	949	1,002	1,058	1,117	5.187
40A	924	976	1,030	1,088	1,148	5.331
41	949	1,002	1,058	1,117	1,179	5.475
41A	976	1,030	1,088	1,148	1,212	5.631
42	1,002	1,058	1,117	1,179	1,245	5.781
42A	1,030	1,088	1,148	1,212	1,280	5.942

Unless otherwise specifically provided, each person appointed to a position, the compensation of which is fixed by reference to the salary schedule set forth in this article, shall, for the first 12 months of service, receive the rate of monthly compensation specified in the first step of the salary range for the position to which he is appointed. On and after the first day of the pay period following each ensuing 12 months of such service such compensation shall be increased upon approval of the appointing authority to the rate specified in the next higher step of the salary range for the position occupied until such compensation equals the sum specified in step E of such range.

SEC. 59.7. Section 73563.2 of the Government Code is amended to read:

73563.2. Certain classes of positions prescribed in Article 7 (commencing with Section 73560) of Chapter 10, Title 8 of the Government Code are deemed to be equivalent in job and salary level to position classifications included in the Salary Ordinance of Monterey County. In order to maintain parity of compensation and employee benefits between attachés of the Monterey-Carmel Municipal Court District and county employees having commensurate duties and responsibilities and to provide appropriate salary adjustments and employee bene-

fits for related classes of court positions the provisions of this section shall govern salary adjustments and employee benefits for attachés of the Monterey-Carmel Municipal Court District in Monterey County.

On the effective date of any amendment to said ordinance adjusting the salary of a county employee classification listed in the table of positions set forth in this section, the salary of the equivalent court position listed opposite thereto shall be adjusted an equivalent number of ranges in the salary schedule to which such position is attached. In no event shall such salary adjustments exceed four range numbers of the salary range number that is provided for such position on the effective date of this section. If the level of compensation established by any such salary adjustment is not reflected in the salary range number provided for any court classification, the adjustment shall apply to each position in such classification on the effective date of the act fixing such salary range number.

Table of Positions

Court classification	County classification
Chief municipal court clerk	Assistant county clerk
Senior municipal court clerk	Supervising clerk I
Municipal court clerk	Principal clerk
Typist-clerk II	Typist-clerk II

Salary adjustments made pursuant to this section shall be effective only until the 61st day after the adjournment of the next succeeding regular session of the Legislature.

Attachés of the Monterey-Carmel Municipal Court District shall be entitled to all employee benefits that are provided for or made applicable to the equivalent Monterey County employee classification.

SEC. 60. 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 42.5 of the salary schedule.

SEC. 61. 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 37.5 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 34.5 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 30.5 of the salary schedule.

(d) Fifteen deputy clerks, grade I, each of whom shall receive a monthly salary at the rates specified in salary range number 28.5 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 28.5 of the salary schedule.

SEC. 62. Section 73603.2 of the Government Code is amended to read:

73603.2. Notwithstanding any other provision of this article, until the 61st day after the final adjournment of the next regular session of the Legislature, whenever a higher compensation is provided for positions in the classification of typist-clerk I in the San Mateo County classified service, each person holding a position in any of the classifications specified in this article shall receive proportionately higher compensation on the salary schedule provided for in Section 73603.1 payable at the same time as that higher compensation provided in the salary ordinance of that county.

SEC. 63. Section 73606 of the Government Code is amended to read:

73606. Official reporters shall be appointed by the judges of the court pursuant to the provisions of Section 72194 and shall serve at the pleasure of the judges.

The annual salary of each regular official reporter for the performance of duties required of such reporter by law shall be as follows:

For each such regular official reporter employed by the county and who performs the duties required of him by law the sum of twelve thousand seven hundred fifty dollars ($12,750) per annum for the first year of such service, the sum of thirteen thousand two hundred fifty dollars ($13,250) per annum for the second year of such service, the sum of thirteen thousand seven hundred fifty dollars ($13,750) per annum for the third year of such service, the sum of fourteen thousand two hundred fifty dollars ($14,250) per annum for the fourth year of such service, and the sum of fourteen thousand seven hundred fifty dollars ($14,750) per annum for the fifth year of such service and for each year of such service thereafter.

In addition to new employees, the salaries herein provided for shall be applicable to regular official reporters employed by the county on the effective date of this section and for the purpose of determining the salaries to be paid after this section becomes effective, all years of service rendered by such reporters to the county prior to the effective date of this section shall be counted in determining the salary to which they are entitled under the salary schedule above mentioned.

The compensation of official reporters pro tempore in the county shall be at the rate of fifty dollars ($50) a day or any fractional part thereof.

Vacation allowances and sick leave allowances for official reporters shall be the same as provided for classified employees of the county under the authority of the county charter.

During the hours which the court is open for the transaction of judicial business, official reporters shall devote full time to

the performance of the duties required of them by law and shall not engage in or solicit to engage in any other employment in their professional capacity.

Each official reporter shall perform the duties required of him by law. In addition, he shall render stenographic or clerical assistance, or both, to the judge or judges of the municipal court as such judge or judges may direct.

SEC. 64. 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 six (6) ranges higher for a period of nine 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. 65. 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 82 of the salary schedule set forth in Section 73684.

SEC. 66. 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 65.

(b) Seven court clerks at salary range 61.

(c) Two deputy clerks II at salary range 61.

(d) One calendar clerk at salary range 61.

(e) One senior account clerk at salary range 52.

(f) Six deputy clerks I at salary range 49.

(g) Two intermediate stenographer-clerks at salary range 47.

(h) Two junior stenographer-clerks at salary range 40.

(i) Twenty-four intermediate typist-clerks at salary range 43.

(j) Twenty-four junior typist-clerks at salary range 37.

(k) The clerk may appoint any combination of stenographer clerks (g) and (h) not to exceed a total of two and may appoint any combination of typist-clerks (i) and (j) not to exceed a total of 24.

SEC. 67. Section 73684 of the Government Code is amended to read:

73684. The following salary schedule shall apply to all officers and attachés of the Fresno Municipal Court:

	Biweekly Salary				
Salary range	1	2	3	4	5
25	117	122	129	135	142
26	120	126	132	138	145
27	122	129	135	142	149
28	126	132	138	145	153
29	129	135	142	149	156
30	132	138	145	153	161
31	135	142	149	156	164
32	138	145	153	161	168
33	142	149	156	164	173
34	145	153	161	168	177
35	149	156	164	173	181
36	153	161	168	177	186
37	156	164	173	181	190
38	161	168	177	186	195
39	164	173	181	190	199
40	168	177	186	195	204
41	173	181	190	199	210
42	177	186	195	204	215
43	181	190	199	210	220
44	186	195	204	215	225
45	190	199	210	220	231
46	195	204	215	225	236
47	199	210	220	231	242
48	204	215	225	236	248
49	210	220	231	242	254

Salary range	1	2	3	4	5
50	215	225	236	248	261
51	220	231	242	254	267
52	225	236	248	261	274
53	231	242	254	267	281
54	236	248	261	274	288
55	242	254	267	281	294
56	248	261	274	288	302
57	254	267	281	294	309
58	261	274	288	302	317
59	267	281	294	309	325
60	274	288	302	317	333
61	281	294	309	325	341
62	288	302	317	333	349
63	294	309	325	341	358
64	302	317	333	349	366
65	309	325	341	358	376
66	317	333	349	366	385
67	325	341	358	376	395
68	333	349	366	385	404
69	341	358	376	395	414
70	349	366	385	404	425
71	358	376	395	414	435
72	366	385	404	425	446
73	376	395	414	435	457
74	385	404	425	446	468
75	395	414	435	457	480
76	404	425	446	468	492
77	414	435	457	480	504
78	425	446	468	492	516
79	435	457	480	504	529
80	446	468	492	516	542
81	457	480	504	529	555
82	468	492	516	542	569
83	480	504	529	555	583
84	492	516	542	569	598
85	504	529	555	583	612
86	516	542	569	598	628
87	529	555	583	612	643
88	542	569	598	628	659
89	555	583	612	643	675
90	569	598	628	659	692
91	583	612	643	675	709
92	598	628	659	692	726
93	612	643	675	709	744
94	628	659	692	726	763
95	643	675	709	744	782
96	659	692	726	763	801
97	675	709	744	782	821
98	692	726	763	801	841
99	709	744	782	821	862

Salary range	1	2	3	4	5
100	726	763	801	841	883
101	744	782	821	862	906
102	763	801	841	883	928
103	782	821	862	906	951
104	801	841	883	928	974
105	821	862	906	951	999
106	841	883	928	974	1,023
107	862	906	951	999	1,049
108	883	928	974	1,023	1,074
109	906	951	999	1,049	1,101
110	928	974	1,023	1,074	1,128
111	951	999	1,049	1,101	1,156
112	974	1,023	1,074	1,128	1,184
113	999	1,049	1,101	1,156	1,214
114	1,023	1,074	1,128	1,184	1,243
115	1,049	1,101	1,156	1,214	1,275
116	1,074	1,128	1,184	1,243	1,306
117	1,101	1,156	1,214	1,275	1,338
118	1,128	1,184	1,243	1,306	1,371
119	1,156	1,214	1,275	1,338	1,405
120	1,184	1,243	1,306	1,371	1,440
121	1,214	1,275	1,338	1,405	1,476
122	1,243	1,306	1,371	1,440	1,512
123	1,275	1,338	1,405	1,476	1,549
124	1,306	1,371	1,440	1,512	1,587
125	1,338	1,405	1,476	1,549	1,627

Except as provided in Section 73687, initial appointments shall be at step 1 of the appropriate salary range. Thereafter at the recommendation of the clerk, the officer or attaché will be entitled to advance to step 2 after the completion of 13 full pay periods of continuous satisfactory service, and to steps 3, 4, and 5 after completion of 26 full pay periods of continuous satisfactory service at each preceding step. Except as otherwise specifically provided in this article to the contrary, all benefits, privileges and other provisions affecting the employment of county employees shall apply to all officers and attachés of the municipal court.

SEC. 68. Section 73688 of the Government Code is amended to read:

73688. All officers and attachés of the court are entitled to a paid vacation after one year of continuous service at the rate of 4.6154 hours of vacation for each pay period or major fraction thereof, computed on the basis of working days of actual service cumulative to a maximum of 30 days. The foregoing provision notwithstanding, those officers and attachés with 15 or more years of such county service shall accrue 6.1539 hours of vacation for each biweekly pay period or major fraction thereof, computed on the basis of working days of actual service cumulative to a maximum of 40 days. Adminis-

tration of vacation and conditions with respect thereto shall be in accordance with the then current provisions relating to county employees generally.

SEC. 69. Section 73689 of the Government Code is amended to read:

73689 After 13 pay periods of continuous service each officer or attaché shall be entitled to 3.6924 hours of sick leave with pay for each pay period or major fraction thereof served up to an accumulative total of 120 working days. Administration of sick leave and conditions with respect thereto shall be in accordance with the then current provisions relating to county employees generally.

SEC. 70. Section 73692 of the Government Code is amended to read:

73692. Pursuant to Section 72194, the judges of the court may appoint as many additional reporters as the business of the court requires, who shall be known as official reporters pro tempore. They shall serve without salary but shall receive the fees provided by Sections 69947 to 69953, inclusive, except that in lieu of the per diem fees provided in the section for reporting testimony and proceedings the official reporters pro tempore shall in all cases receive fifty dollars ($50) per day, which shall upon order of the court be a charge against the general fund of the county.

SEC. 71. 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 increases may be made operative at the same time as the higher compensation becomes operative for the similar positions within the County of Fresno. This section shall remain in effect until the 60th day after the final adjournment of the 1971 Regular Session of the California Legislature.

71.3. 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 seventy-one dollars ($771) monthly with increments of thirty-eight dollars ($38) and forty dollars ($40) to a maximum of eight hundred forty-nine dollars ($849) monthly.

(c) Four deputy clerks grade IV, each of whom shall receive a minimum salary of six hundred eighty-three dollars ($683) monthly with increments of thirty-four dollars ($34) and thirty-six dollars ($36) to a maximum of seven hundred fifty-three dollars ($753) monthly.

(d) Twelve deputy clerks grade III, each of whom shall receive a minimum salary of six hundred nineteen dollars ($619) monthly with increments of thirty-one dollars ($31) and thirty-three dollars ($33) to a maximum of seven hundred fifty-three dollars ($753) monthly.

(e) Eight deputy clerks grade II, each of whom shall receive a minimum salary of five hundred sixty-two dollars ($562) monthly with increments of twenty-eight dollars ($28) and twenty-nine dollars ($29) to a maximum of six hundred nineteen dollars ($619) monthly.

(f) Six deputy clerks grade I, each of whom shall receive a minimum salary of five hundred thirty-six dollars ($536) monthly with increments of twenty-six dollars ($26) and twenty-eight dollars ($28) to a maximum of five hundred ninety dollars ($590) monthly.

(g) Three intermediate typists, 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.

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. 71.5. Section 73778.5 of the Government Code is amended to read:

73778.5. In the computation of increments pursuant to the provisions of Sections 73772 and 73773 and 73778 and subject to the conditions set forth in Section 72001, the first increments shall be computed from and shall become due on the first day of the month following completion of one year's service since the date of employment, and the other increments shall become due on the first day of the month following completion of one year's service since the date of the last salary increment or promotion involving salary increase, whichever last occurred. Salary adjustments granted under Section 73779 or by amendment of Sections 73772 and 73773 are to be disregarded in determination of anniversary date. Service is to be construed as time for which compensation has been paid.

SEC. 72. Section 73823 of the Government Code is amended to read:

73823. There shall be one clerk appointed by a majority of the judges of the court. The clerk shall be on range 40.5 and he may appoint, with the approval of a majority of the judges of the court:

(a) One assistant clerk on range 36.5.

(b) Three municipal court clerks on range 33.5.

(c) One legal clerk on range 31.

(d) Two account clerks III on range 30.

(e) One clerk III on range 29.

(f) Seven clerks II on range 26.

SEC. 73. Section 73824 of the Government Code is amended to read:

73824. There shall be one marshal who shall be on range 36 and the marshal may appoint:

(a) Two deputy marshals on range 34.

(b) One clerk II on range 26.

(c) Two deputy marshals who shall be custodians at the fee allowed by law for keeping property.

SEC. 73.1. 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 and step for his position specified in or pursuant to this article, as determined by the following salary schedule:

Range No.	Step 1	Range No.	Step 1
34	164.00	45	295.20
34.5	168.00	45.5	303.20
35	172.80	46	312.00
35.5	177.60	46.5	320.80
36	182.40	47	329.60
36.5	187.20	47.5	338.40
37	192.00	48	348.00
37.5	196.80	48.5	357.60
38	202.40	49	367.20
38.5	208.00	49.5	377.60
39	213.60	50	388.00
39.5	219.20	50.5	398.40
40	225.60	51	409.60
40.5	231.20	51.5	420.80
41	237.60	52	432.80
41.5	244.00	52.5	444.80
42	251.20	53	456.80
42.5	257.60	53.5	469.60
43	264.80	54	482.40
43.5	272.00	54.5	496.00
44	280.00	55	509.60
44.5	287.20	55.5	524.00

Range No.	Step 1	Range No.	Step 1
56	538.40	58	600.80
56.5	553.60	58.5	617.60
57	568.80	59	635.20
57.5	584.80		

(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. Each such step increase shall be to the rate of step 1 of the second next higher range.

(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 four 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. 73.3. 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 54 and the clerk may appoint:

(a) One assistant clerk on range 49.5.
(b) One release clerk on range 49.
(c) Three municipal court clerks II on range 47.5.
(d) One accounting technician II on range 46.
(e) Four municipal court clerks I on range 45.5.
(f) Three senior clerks on range 40.5.
(g) One account clerk II on range 39.5.
(h) One stenographer clerk II on range 38.5.
(i) Twelve clerks II on range 37.5.

SEC. 73.4. 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 54 and the marshal may appoint:

(a) One assistant marshal on range 49 5.

(b) Four deputy marshals II on range 48.5.

(c) Three deputy marshals I on range 46.

(d) One marshal's clerk on range 41.5.

(e) Two clerks II on range 37.5.

SEC. 73.5. 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 54 and the clerk may appoint:

(a) One assistant clerk on range 49.5.

(b) Six municipal court clerks I on range 45.5.

(c) One senior account clerk on range 42.5.

(d) Two senior clerks on range 40.5.

(e) One account clerk II on range 39.5.

(f) Nine clerks II on range 37.5.

SEC. 73.6. 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 54 and the marshal may appoint:

(a) One assistant marshal on range 49.5.

(b) Four deputy marshals II on range 48.5.

(c) Two deputy marshals I on range 46.

(d) One marshal's clerk on range 41.5.

(e) Three clerks II on range 37.5.

SEC. 73.7. 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 52 and the clerk may appoint:

(a) One municipal court clerk II on range 47.5.

(b) One municipal court clerk I on range 45.5.

(c) One senior account clerk on range 42.5.

(d) Two senior clerks on range 40.5.

(e) Three clerks II on range 37.5.

SEC. 73.8. 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 53 and the marshal may appoint:

(a) Two deputy marshals II on range 48.5.

(b) One deputy marshal I on range 46.

(c) One marshal's clerk on range 41.5.

(d) One clerk II on range 37.5.

SEC. 74. Section 74192 of the Government Code is amended to read:

74192. (a) 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 79

step C of Section 74196. The position of clerk and administrator shall not be deemed to be a civil service position.

(b) There shall be one administrative assistant to the court who shall be appointed by the judges of the court and who shall hold office at their pleasure and perform such duties as may be required of him by the court or the judges. The administrative assistant to the court shall receive a monthly salary at a rate specified in Schedule 62 of Section 74196. The position of administrative assistant to the court shall not be deemed to be a civil service position.

(c) There shall be one legal stenographer for the court who shall be appointed by the judges of the court and who shall perform such duties as may be required of him by the court or the judges. The legal stenographer for the court shall receive a monthly salary at a rate specified in Schedule 42 of Section 74196.

(d) There shall be one senior clerk for the court who shall be appointed by the judges of the court and who shall perform such duties as may be required of him by the court or the judges. The senior clerk for the court shall receive a monthly salary at a rate specified in Schedule 40 of Section 74196.

SEC. 75. Section 74193 of the Government Code is amended to read:

74193. The clerk and administrator shall appoint:

(a) One chief deputy clerk, who shall receive a monthly salary at a rate specified in Schedule 66 of Section 74196.

(b) Two deputy clerks, who shall be chief clerks, each of whom shall receive a monthly salary at a rate specified in Schedule 55 of Section 74196.

(c) One deputy clerk, who shall be a legal stenographer, who shall receive a monthly salary at a rate specified in Schedule 42 of Section 74196.

(d) Thirteen deputy clerks, who shall be court clerks, each of whom shall receive a monthly salary at a rate specified in Schedule 53 of Section 74196.

(e) Three deputy clerks, who shall be deputy clerks III, each of whom shall receive a monthly salary at a rate specified in Schedule 45 of Section 74196.

(f) Six deputy clerks, who shall be deputy clerks II, each of whom shall receive a monthly salary at a rate specified in Schedule 39 of Section 74196

(g) Sixteen deputy clerks, who shall be typist-clerks II, each of whom shall receive a monthly salary at a rate specified in Schedule 32 of Section 74196.

(h) Nine deputy clerks, who shall be senior deputy clerks, each of whom shall receive a monthly salary at a rate specified in Schedule 40 of Section 74196.

(i) Six deputy clerks, who shall be cashier-clerks, each of whom shall receive a monthly salary at a rate specified in Schedule 35 of Section 74196.

(j) One deputy clerk, who shall be an accountant, who shall receive a monthly salary at a rate specified in Schedule 56 of Section 74196.

(k) One deputy clerk, who shall be an account clerk II, who shall receive a monthly salary at a rate specified in Schedule 40 of Section 74196.

(*l*) One deputy clerk, who shall be an account clerk I, who shall receive a monthly salary at a rate specified in Schedule 33 of Section 74196.

(m) One deputy clerk, who shall be a data processing technician III, who shall receive a monthly salary at a rate specified in Schedule 50 of Section 74196.

(n) One deputy clerk who shall be a data processing technician I, who shall receive a monthly salary at a rate specified in Schedule 38 of Section 74196.

(o) One deputy clerk, who shall be a keypunch supervisor, who shall receive a monthly salary at a rate specified in Schedule 40 of Section 74196.

(p) Five deputy clerks, who shall be keypunch operators, each of whom shall receive a monthly salary at a rate specified in Schedule 34 of Section 74196.

SEC. 76. 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 76 step C of Section 74196. The position of marshal shall not be deemed to be a civil service position.

SEC. 77. 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 66 of Section 74196.

(b) Ten deputy marshals who shall be marshal's sergeants, each of whom shall receive a monthly salary at a rate specified in Schedule 58 of Section 74196.

(c) Sixteen deputy marshals, who shall be bailiffs, each of whom shall receive a monthly salary at a rate specified in Schedule 54 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 55 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 40 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 40 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 32 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 33 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 62 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 39 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 45 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. 77.3. Section 74222 of the Government Code is amended to read:

74222. There shall be one chief municipal court clerk who shall receive a monthly salary at the rate specified in range 39 of the salary schedule provided in Section 74223.1.

SEC. 77.4. Section 74223 of the Government Code is amended to read:

74223. The clerk may appoint:

One senior municipal court clerk who shall receive a monthly salary at the rate specified in range 31 of the salary schedule provided in Section 74223.1.

Five municipal court clerks who shall receive a monthly salary at the rate specified in range 29 of the salary schedule provided in Section 74223.1.

Ten typist-clerks II who shall receive a monthly salary at the rate specified in range 25 of the salary schedule provided in Section 74223.1.

SEC. 77.5. Section 74223.1 of the Government Code is amended to read:

74223.1. Whenever reference to numbered salary range is made in any section of this article, the following schedule of monthly salaries shall apply:

Range No.	Step A	Step B	Step C	Step D	Step E	Hourly* equiv. step 1
25	$401	$423	$446	$470	$496	$2.314
25A	412	435	458	483	510	2.377
26	423	446	470	496	523	2.440
26A	435	458	483	510	538	2.510
27	446	470	496	523	552	2.573
27A	458	483	510	538	568	2.642
28	470	496	523	552	583	2.712
28A	483	510	538	568	599	2.787
29	496	523	552	583	615	2.862
29A	510	538	568	599	632	2.942
30	523	552	583	615	649	3.017

Range No.	Step A	Step B	Step C	Step D	Step E	Hourly* equiv. step 1
30A	538	568	599	632	667	3.104
31	552	583	615	649	685	3.185
31A	568	599	632	667	704	3.277
32	583	615	649	685	723	3.364
32A	599	632	667	704	743	3.456
33	615	649	685	723	763	3.548
33A	632	667	704	743	785	3.646
34	649	685	723	763	806	3.744
34A	667	704	743	785	828	3.848
35	685	723	763	806	851	3.952
35A	704	743	785	828	875	4.062
36	723	763	806	851	899	4.171
36A	743	785	828	875	924	4.287
37	763	806	851	899	949	4.402
37A	785	828	875	924	976	4.529
38	806	851	899	949	1,002	4.650
38A	828	875	924	976	1,030	4.777
39	851	899	949	1,002	1,058	4.910
39A	875	924	976	1,030	1,088	5.048
40	899	949	1,002	1,058	1,117	5.187
40A	924	976	1,030	1,088	1,148	5.331
41	949	1,002	1,058	1,117	1,179	5.475
41A	976	1,030	1,088	1,148	1,212	5.631
42	1,002	1,058	1,117	1,179	1,245	5.781
42A	1,030	1,088	1,148	1,212	1,280	5.942

* Computed on a basis of 40-hour week and 173.33-hour average work month.

Unless otherwise specifically provided, each person appointed to a position, the compensation of which is fixed by reference to the salary schedule set forth in this article, shall for the first 12 months of service, receive the rate of monthly compensation specified in the first step of the salary range for the position to which he is appointed. On and after the first day of the pay period following each ensuing 12 months of such service such compensation shall be increased upon approval of the appointing authority to the rate specified in the next higher step of the salary range for the position occupied until such compensation equals the sum specified in step E of such range.

SEC. 77.6. Section 74223.2 of the Government Code is amended to read:

74223.2. Certain classes of positions prescribed in Article 22 (commencing with Section 74220) of Chapter 10, Title 8 of the Government Code are deemed to be equivalent in job and salary level to position classifications included in the Salary Ordinance of Monterey County. In order to maintain parity of compensation and employee benefits between such attachés of the Salinas Municipal Court District and county employees

having commensurate duties and responsibilities and to provide appropriate salary adjustments and employee benefits for related classes of court positions the provisions of this section shall govern salary adjustments and employee benefits for attachés of the Salinas Municipal Court District in Monterey County.

On the effective date of any amendment to said ordinance adjusting the salary of a county employee classification listed in the table of positions set forth in this section, the salary of the equivalent court position listed opposite thereto shall be adjusted an equivalent number of ranges in the salary schedule to which such position is attached. In no event shall such salary adjustments exceed four range numbers of the salary range number that is provided for such position on the effective date of this section. If the level of compensation established by any such salary adjustment is not reflected in the salary range number provided for any court classification, the adjustment shall apply to each position in such classification on the effective date of the act fixing such salary range number.

Table of Positions

Court classification	County classification
Chief municipal court clerk	Assistant county clerk
Senior municipal court clerk	Supervising clerk I
Municipal court clerk	Principal clerk
Typist-clerk II	Typist-clerk II

Salary adjustments made pursuant to this section shall be effective only until the 61st day after the adjournment of the next succeeding regular session of the Legislature.

Attachés of the Salinas Municipal Court District shall be entitled to all employee benefits that are provided for or made applicable to the equivalent Monterey County employee classification.

SEC. 78. 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 42.5 of the salary schedule.

SEC. 79. 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 37.5 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 34.5 of the salary schedule.

(c) Eight deputy clerks, grade II, each of whom shall receive a monthly salary at the rate specified in salary range number 30.5 of the salary schedule.

(d) Ten deputy clerks, grade I, each of whom shall receive a monthly salary at the rate specified in salary range number 28.5 of the salary schedule.

SEC. 80. Section 74303.2 of the Government Code is amended to read:

74303.2. Notwithstanding any other provision of this article, until the 61st day after the final adjournment of the next regular session of the Legislature, whenever a higher compensation is provided for positions in the classification of typist-clerk I in the San Mateo County classified service, each person holding a position in any of the classifications specified in this article shall receive proportionately higher compensation on the salary schedule provided for in Section 74303.1 payable at the same time as that higher compensation provided in the salary ordinance of that county.

SEC. 81. Section 74306 of the Government Code is amended to read:

74306. Official reporters shall be appointed by the judges of the court pursuant to the provisions of Section 72194 and shall serve at the pleasure of the judges.

The annual salary of each regular official reporter for the performance of duties required of such reporter by law shall be, as follows:

For each such regular official reporter employed by the county and who performs the duties required of him by law the sum of twelve thousand seven hundred fifty dollars ($12,750) per annum for the first year of such service, the sum of thirteen thousand two hundred fifty dollars ($13,250) per annum for the second year of such service, the sum of thirteen thousand seven hundred fifty dollars ($13,750) per annum for the third year of such service, the sum of fourteen thousand two hundred fifty dollars ($14,250) per annum for the fourth year of such service, and the sum of fourteen thousand seven hundred fifty dollars ($14,750) per annum for the fifth year of such service and for each year of such service thereafter.

In addition to new employees, the salaries herein provided for shall be applicable to regular official reporters employed by the county on the effective date of the amendments to this section at the 1970 Regular Session of the Legislature and for the purpose of determining the salaries to be paid after such effective date, all years of service rendered by such reporters to the county prior to such effective date shall be counted in determining the salary to which they are entitled under the salary schedule above mentioned.

The compensation of official reporters pro tempore in the county shall be at the rate of fifty dollars ($50) a day or any fractional part thereof.

Vacation allowances and sick leave allowances for official reporters shall be the same as provided for classified employees of the county under the authority of the county charter.

During the hours which the court is open for the transaction of judicial business, official reporters shall devote full time to the performance of the duties required of them by law and shall not engage in or solicit to engage in any other employment in their professional capacity.

Each official reporter shall perform the duties required of him by law. In addition, he shall render stenographic or clerical assistance, or both, to the judge or judges of the municipal court as such judge or judges may direct.

SEC. 82. 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 eight hundred seventy-five dollars ($1,875) monthly during the first year of service, a salary of one thousand nine hundred seventy dollars ($1,970) 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 two thousand seventy dollars ($2,070) 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 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. 83. 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 minimum salary of one thousand four hundred sixty dollars ($1,460) monthly during the first year of service, a salary of one thousand five hundred thirty-three dollars ($1,533) 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 six hundred ten dollars ($1,610) 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 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 of the Government Code, the clerk shall appoint, or a majority of the judges of the municipal court may appoint, one deputy clerk who shall be head accountant, accounting division, and who shall possess the qualifications and capable to 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 thousand two hundred sixty dollars ($1,260) monthly during the first year of service, a salary of one thousand three hundred twenty-three dollars ($1,323) 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 eighty-nine dollars ($1,389) 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 four hundred sixty dollars ($1,460) 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 salary of one thousand five hundred thirty-three dollars ($1,533) 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 three hundred twenty-nine dollars ($1,329) monthly during the first year of service, a salary of one thousand three hundred ninety-three dollars ($1,393) 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 four hundred fifty-eight dollars ($1,458) monthly after the second year of service commencing on the first day of the month following the second anniversary of his appointment.

SEC. 84. 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 one hundred fifty-two dollars ($1,152) monthly during the first year of service, a salary of one thousand two hundred nine dollars ($1,209) 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 seventy-three dollars ($1,273) 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 sixty-eight dollars ($968) monthly during the first year of service, a salary of one thousand thirty-two dollars ($1,032) 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 one hundred sixteen dollars ($1,116) 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 eight hundred thirty-four dollars ($834) monthly during the first year of service, a salary of eight hundred sixty-four dollars ($864) 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 ninety-eight dollars ($898) 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 seventy-four dollars ($774) monthly during the first year of service, a salary of seven hundred ninety-five dollars ($795) 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 nineteen dollars ($819) 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) Three deputy clerks who shall be paid a minimum salary of seven hundred thirty-one dollars ($731) monthly during the first year of service, a salary of seven hundred fifty-three dollars ($753) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of seven hundred seventy-two dollars ($772) 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 seventy dollars ($670) monthly during the first year of service, a salary of six hundred ninety-three dollars ($693) 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 nineteen dollars ($719) monthly after the second year of service, commencing on the first day of the month following the second anniversary of his appointment

(g) Forty-five deputy clerks who shall be paid a minimum salary of five hundred twenty-five ($525) monthly during the first year of service, a salary of five hundred seventy-three dollars ($573) monthly after the first year of service commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of six hundred thirty-seven dollars ($637) monthly after the second year of service, commencing on the first day of the month following the second anniversary of his appointment.

(h) Three deputy clerk-information clerks who shall be paid a minimum salary of five hundred thirty-five dollars ($535) monthly during the first year of service, a salary of six hundred fifteen dollars ($615) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of six hundred ninety-six dollars ($696) 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 clerk with the approval of the judges, or a majority of them, notwithstanding any other provisions of the Government Code, shall appoint a deputy clerk-information clerk, who shall perform such duties as assigned by the clerk.

SEC. 85. Section 74647 is added to the Government Code, to read:

74647. (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 an annual salary of thirteen thousand five hundred dollars ($13,500) per annum. During the hours when the court is open for the transaction of judicial business, official reporters shall devote full time to the performance to the duties required of them by law and shall not engage in or solicit to engage in any other employment in their professional capacity.

(b) 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 Santa Barbara, 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.

(c) An official reporter when not engaged in the performance of his duties for the municipal court, may be appointed to serve as such reporter for the Santa Barbara County Grand Jury or in any other court in the County of Santa Barbara.

SEC. 86. Section 74648 is added to the Government Code, to read:

74648. A designated full-time official reporter of the court shall be a member of any retirement system maintained by the county in which he is employed, and while he holds office as provided in Section 72194 shall be entitled to 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 Santa Barbara, including the right to participate in any group accident, health or life insurance plan adopted by the board of supervisors of said county. For the purpose of such retirement system the salary provided for in this article for such reporter shall be deemed his entire compensation. Such reporter shall be eligible for the benefits provided by Section 31641.5, and for the purpose of the application of said section the "county service" rendered by such reporter shall be deemed to have commenced from the time of his appointment as an official reporter of said municipal court, and the "aggregate compensation" received shall be deemed to be those sums actually paid to said reporter for reporting only by said county during the period of said service.

SEC. 87. Section 74649 is added to the Government Code, to read:

74649. The official reporters of the court shall not use county equipment or county premises or county working hours for the purpose of doing work not in the service of the county or the court.

SEC. 88. Section 74650 is added to the Government Code, to read:

74650. In order to help defray the costs of reporting services, in addition to fees required by other laws for the filing of the first paper in a civil action, there shall be an additional charge of ten dollars ($10).

SEC. 89. Section 74651 is added to the Government Code, to read:

74651. Except as otherwise provided by this article, fees for transcribing of testimony and proceedings in the court shall be paid by the litigants to official reporters and official reporters pro tempore and shall be retained by such reporters as their compensation for such services. In all cases where by law the court may direct the payment of transcription fees

out of the county treasury and where such payment would not be in conflict with any provision in this article, such fees shall, upon order of the court, be paid from the general fund, including fees for transcribing of testimony and proceedings in criminal cases as provided in Sections 69948 to 69953, inclusive, which shall be paid from the county treasury.

SEC. 90. Section 74692 of the Government Code is amended to read:

74692. There shall be one clerk of the municipal court who shall receive a biweekly salary at the rate specified in range 58 of the salary schedule provided in Section 74693 1.

SEC. 91. 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 51 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 39 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 34 of the salary schedule provided in Section 74693.1.

(d) Thirteen 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 28 of the salary schedule in Section 74693.1. Grade I deputy clerks shall receive a biweekly salary at the rate specified in range 25 of the schedule.

The additional deputy court clerk positions authorized by this section shall be grade II positions.

SEC. 92. Section 74693.1 of the Government Code is amended to read:

74693.1. Whenever reference to a numbered salary range is made in any section of this article, the following schedule of biweekly salaries shall apply:

Range	Step 1	Step 2	Step 3	Step 4	Step 5
25	180.80	189.60	199.20	209.60	220.00
26	185.60	194.40	204.80	215.20	225.60
27	189.60	199 20	209 60	220 00	231.20
28	194.40	204.80	215.20	225.60	236.80
29	199.20	209.60	220.00	231.20	242.40
30	204.80	215.20	225.60	236.80	248.80
31	209.60	220.00	231.20	242.40	254.40
32	215.20	225.60	236 80	248.80	261.60
33	220.00	231.20	242 40	254.40	268.00
34	225.60	236.80	248.80	261.60	274.40
35	231.20	242.40	254.40	268.00	280.80
36	236.80	248.80	261.60	274.40	288.00
37	242.40	254 40	268.00	280.80	295.20
38	248.80	261.60	274.40	288.00	302.40

Range	Step 1	Step 2	Step 3	Step 4	Step 5
39	254.40	268.00	280.80	295.20	309.60
40	261.60	274.40	288.00	302.40	317.60
41	268.00	280.80	295.20	309.60	325.60
42	274.40	288.00	302.40	317.60	333.60
43	280.80	295.20	309.60	325.60	341.60
44	288.00	302.40	317.60	333.60	350.40
45	295.20	309.60	325.60	341.60	358.40
46	302.40	317.60	333 60	350.40	368.00
47	309.60	325.60	341.60	358.40	376.80
48	317.60	333.60	350.40	368.00	386.40
49	325.60	341.60	358.40	376.80	395.20
50	333.60	350.40	368.00	386.40	405.60
51	341.60	358.40	376.80	395.20	415.20
52	350.40	368.00	386.40	405.60	425.60
53	358.40	376.80	395.20	415.20	436.00
54	368.00	386.40	405.60	425.60	447.20
55	376.80	395.20	415.20	436.00	457.60
56	386.40	405.60	425.60	447.20	469.60
57	395.20	415.20	436.00	457.60	480.80
58	405.60	425.60	447.20	469.60	492.80
59	415.20	436.00	457.60	480.80	504.80
60	425.60	447.20	469.60	492.80	517.60
61	436.00	457.60	480.80	504.80	529.60
62	447.20	469.60	492.80	517.60	543.20
63	457.60	480.80	504.80	529.60	556.80
64	469.60	492.80	517.60	543.20	570.40
65	480.80	504.80	529.60	556.80	584.00

Unless otherwise specifically provided, each person appointed to a position, the compensation of which is fixed by reference to a salary range set forth in this section, shall for the first twelve (12) months of service, receive the rate of biweekly compensation specified in the first step of the salary range for the position to which he is appointed. On and after the first day of the pay period following each ensuing twelve (12) months of such service such compensation shall be increased upon approval of the appointing authority to the rate specified in the next higher step of the salary range for the position occupied until such compensation equals the sum specified in step 5 of such range.

In the case of persons in the positions specified in Sections 74692 and 74693, on the effective date of the amendments to this section enacted at the 1970 Regular Session of the Legislature, they shall have their existing salaries adjusted to the same relative step in the new range, and such adjustment shall not alter the anniversary date or eligibility of the employee for consideration for a regular step increase under this section.

SEC. 93. Section 74843 of the Government Code is amended to read:

74843. The clerk may appoint:

(a) One chief deputy clerk.

(b) Four senior deputy clerks.

(c) Nine deputy clerks II or deputy clerks I as shall be determined by the judges with the concurrence of the board of supervisors.

Each of these employees shall receive the monthly salary specified in Section 74847 for his classification.

SEC. 94. Section 74936 of the Government Code is amended to read:

74936. There shall be one clerk who shall receive the salary specified in range No. 13.

SEC. 95. Section 74937 of the Government Code is amended to read:

74937. The clerk may appoint two typist-clerks III who shall be deputy clerks and shall receive the salary specified in range 10. There shall be one steno-clerk II who shall be a deputy clerk and shall receive the salary specified in range 9, and two 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.

SEC. 96. Section 74938 of the Government Code is amended to read:

74938. There shall be one marshal who shall receive the salary specified in range 19.5.

SEC. 97. Section 74939 of the Government Code is amended to read:

74939. The marshal may appoint one deputy marshal who shall receive the salary specified in range No. 15.5 and one steno-clerk II who shall receive the salary specified in range 9, 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 15.5.

SEC. 98. Section 74940 of the Government Code is amended to read:

74940. Whenever reference is made to a range in any section of this article, the following schedule of monthly salaries shall apply:

Range Number	Step A	Step B	Step C	Step D	Step E
8.0	405	425	446	469	492
8.5	415	435	457	480	505
9.0	425	446	469	492	517
9 5	435	457	480	505	530
10.0	446	469	492	517	543
10.5	457	480	505	530	556
11.0	469	492	517	543	571
11.5	480	505	530	556	584

Range Number	Step A	Step B	Step C	Step D	Step E
12.0	492	517	543	571	599
12.5	505	530	556	584	614
13.0	517	543	571	599	628
13.5	530	556	584	614	644
14.0	543	571	599	628	660
14.5	556	584	614	644	676
15.0	571	599	628	660	692
15.5	584	614	644	676	710
16.0	599	628	660	692	728
16.5	614	644	676	710	746
17.0	628	660	692	728	764
17.5	644	676	710	746	783
18.0	660	692	728	764	801
18.5	676	710	746	783	821
19.0	692	728	764	801	842
19.5	710	746	783	821	863
20.0	728	764	801	842	884

CHAPTER 1235

An act to add Sections 24350.3, 24350.4, 24350.5, and 24350.6 to, and to repeal Sections 24350.3, 24350.4, 24350.5, 24350.6, 24350.7, and 24350.8 of, the Health and Safety Code, relating to air pollution.

[Approved by Governor September 16, 1970. Filed with Secretary of State September 16, 1970.]

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

SECTION 1. Section 24350.3 of the Health and Safety Code is repealed.

SEC. 2. Section 24350.3 is added to the Health and Safety Code, to read:

24350.3. On July 1, 1971, the district shall begin to transact business and exercise its powers under this chapter in the Counties of Napa, Solano, and Sonoma. At any time, the Board of Supervisors of the County of Napa, of the County of Solano, or of the County of Sonoma may adopt a resolution declaring that a portion of their respective county is in an air basin other than the air basin presently under the jurisdiction of the Bay Area Air Pollution Control District. The resolution adopted by the board of supervisors shall declare that it is in the interest of that county to include such territory within an air pollution control district that could effectively control air pollution in that territory. The resolution adopted by the board of supervisors shall be presented to the State Air Resources Board for its approval. The State Air Resources Board may approve such resolution based upon the facts of the situation. If the State Air Resources Board approves the resolution, the Bay Area Air Pollution Control District shall not transact business or exercise its powers under this chapter in such territory

effective the next July 1 following the approval of the resolution by the State Air Resources Board. If a regional air pollution control district exists in the same air basin as the territory excluded from the Bay Area Air Pollution Control District and such regional air pollution control district has a common boundary line with any portion of the excluded territory, such territory shall, on the first day of July next following the approval of the resolution by the State Air Resources Board, be transferred to and shall become part of such a regional air pollution control district. If no regional air pollution control district exists in the same air basin as the territory excluded from the Bay Area Air Pollution Control District or if no regional air pollution control district exists in such air basin with a common boundary line with any portion of the excluded territory, such territory shall be automatically included in any regional air pollution control district within such air basin which shall subsequently have a common boundary line with any portion of the excluded territory.

SEC. 3. Section 24350.4 of the Health and Safety Code is repealed.

SEC. 4. Section 24350.4 is added to the Health and Safety Code, to read:

24350.4. No existing order, rule, or regulation of the district shall take effect in the County of Napa, Solano, or Sonoma until at least 90 days after the operative date of this section and shall not take effect thereafter until the newly constituted board of directors of the district has taken affirmative action thereon.

SEC. 5. Section 24350.5 of the Health and Safety Code is repealed.

SEC. 6. Section 24350.5 is added to the Health and Safety Code, to read:

24350.5. The board may establish within the district zones wherein special regulations are warranted. In establishing such zones the board shall consider the degree of concentration of population, the number, nature, and dispersal of the stationary sources of air pollution, whether the area is a rural agricultural area, and presence or absence of industry.

SEC. 7. Section 24350.6 of the Health and Safety Code is repealed.

SEC. 8. Section 24350.6 is added to the Health and Safety Code, to read:

24350.6. The board may establish within the district zones wherein differing tax formulas may be applied In establishing such zones the board shall consider the degree of concentration of population, the number, nature, and dispersal of the stationary sources of air pollution, whether the area is a rural agricultural area, and presence or absence of industry.

SEC. 9. Section 24350.7 of the Health and Safety Code is repealed.

SEC. 10. Section 24350.8 of the Health and Safety Code is repealed.

CHAPTER 1236

An act to amend Section 827 of the Welfare and Institutions Code, relating to juvenile court records.

[Approved by Governor September 16, 1970. Filed with Secretary of State September 16, 1970.]

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

SECTION 1. Section 827 of the Welfare and Institutions Code is amended to read:

827. A petition filed in any juvenile court proceeding, reports of the probation officer, and all other documents filed in any such case or made available to the probation officer in making his report, or to the judge, referee or other hearing officer, and thereafter retained by the probation officer, judge, referee, or other hearing officer, may be inspected only by court personnel, the minor who is the subject of the proceeding, his parents or guardian, the attorneys for such parties, and such other persons as may be designated by court order of the judge of the juvenile court upon filing a petition therefor.

CHAPTER 1237

An act to add Section 204.2 to, and to amend Section 204 of, the Labor Code, relating to payment of wages.

[Approved by Governor September 16, 1970. Filed with Secretary of State September 16, 1970.]

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

SECTION 1. Section 204 of the Labor Code is amended to read:

204. All wages, other than those mentioned in Section 201, 202, 204.1, or 204.2, earned by any person in any employment are due and payable twice during each calendar month, on days designated in advance by the employer as the regular paydays. Labor performed between the 1st and 15th days, inclusive, of any calendar month shall be paid for between the 16th and the 26th day of the month during which the labor was performed, and labor performed between the 16th and the last day, inclusive, of any calendar month, shall be paid for between the 1st and 10th day of the following month; provided, however, that salaries of executive, administrative, and professional employees of employers covered by the Fair Labor Standards Act, as set forth pursuant to Section 13(a)(1) of the Fair Labor Standards Act, as amended through March 1, 1969, in Part 541 of Title 29 of the Code of Federal Regulations, as that part now reads or may be amended to read at any time hereafter, may be paid once a month on or before the 26th day of the month during which

the labor was performed if the entire month's salaries, including the unearned portion between the date of payment and the last day of the month, are paid at that time. However, when such employees are covered by a collective bargaining agreement that provides different pay arrangements, those arrangements will apply to the covered employees.

SEC. 2. Section 204.2 is added to the Labor Code, to read:

204.2. Salaries of executive, administrative, and professional employees of employers covered by the Fair Labor Standards Act, as set forth pursuant to Section 13(a)(1) of the Fair Labor Standards Act of 1938, as amended through March 1, 1969, (Title 29, Section 213(a)(1), United States Code) in Part 541 of Title 29 of the Code of Federal Regulations, as that part now reads, earned for labor performed in excess of 40 hours in a calendar week are due and payable on or before the 26th day of the calendar month immediately following the month in which such labor was performed. However, when such employees are covered by a collective bargaining agreement that provides different pay arrangements, those arrangements will apply to the covered employees.

SEC. 3. Section 204 of the Labor Code is amended to read:

204. All wages other than those mentioned in Section 201, 202, 204.1 or 204.2, earned by any person in any employment are due and payable twice during each calendar month, on days designated in advance by the employer as the regular paydays. Labor performed between the 1st and 15th days, inclusive, of any calendar month shall be paid for between the 16th and 26th day of the month during which the labor was performed, and labor performed between the 16th and the last day, inclusive, of any calendar month, shall be paid for between the 1st and 10th day of the following month; provided, however, that salaries of executive, administrative, and professional employees of employers covered by the Fair Labor Standards Act, as set forth pursuant to Section 13(a)(1) of the Fair Labor Standards Act as amended through March 1, 1969, in Part 541 of Title 29 of the Code of Federal Regulations, as that part now reads or may be amended to read at any time hereafter may be paid once a month on or before the 26th day of the month during which the labor was performed if the entire month's salaries including the unearned portion between the date of payment and the last day of the month are paid at that time.

However when such employees are covered by a collective bargaining agreement that provides different pay arrangements, those arrangements will apply to the covered employees.

The requirements of this section shall be deemed satisfied by the payment of wages for weekly or biweekly payroll if such wages are paid not more than seven calendar days following the close of the payroll period.

SEC. 4. It is the intent of the Legislature, if the amendments to Section 204 of the Labor Code proposed by both this bill and A.B. 1501 are enacted that both amendments be

given effect and incorporated in Section 204 in the form set forth in Section 3 of this act Therefore, in the event A.B. 1501 is enacted and amends Section 204, Section 3 of this act shall become operative at the same time Section 204 as amended by A B. 1501 becomes operative, and at that time, Section 204 of the Labor Code as amended by Section 1 of this act is repealed.

CHAPTER 1238

An act to amend Sections 33126, 33445, and 34278 of, and to add Sections 33206, 34250, and 37115 to, the Health and Safety Code, relating to community development.

[Approved by Governor September 16, 1970. Filed with Secretary of State September 16, 1970.]

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

SECTION 1. Section 33126 of the Health and Safety Code is amended to read:

33126. (a) An agency may select, appoint, and employ such permanent and temporary officers, agents, counsel, and employees as it requires, and determine their qualifications, duties, benefits and compensation, subject only to the conditions and restrictions imposed by the legislative body on the expenditure or encumbrance of the budgetary funds appropriated to the community redevelopment agency administrative fund.

(b) An agency may contract with the Department of Housing and Community Development, or any other agency, for the furnishing by the department, or agency, of any necessary staff services associated with or required by redevelopment and which could be performed by the staff of an agency.

SEC. 1.3. Section 33126 of the Health and Safety Code is amended to read:

33126. (a) An agency may select, appoint, and employ such permanent and temporary officers, agents, counsel, and employees as it requires, and determine their qualifications, duties, benefits, and compensation, subject only to the conditions and restrictions imposed by the legislative body on the expenditure or encumbrance of the budgetary funds appropriated to the community redevelopment agency administrative fund. To the greatest extent feasible, the opportunities for training and employment arising from a redevelopment project planning and execution shall be given to lower-income residents of the project area.

(b) An agency may contract with the Department of Housing and Community Development or any other agency, for the furnishing by the department, or agency, of any necessary staff services associated with or required by redevelopment and which could be performed by the staff of an agency.

SEC. 1.5. Section 33206 is added to the Health and Safety Code, to read:

33206. Notwithstanding any other provision of law, a legislative body, at the time of the adoption of an ordinance pursuant to Section 33101 or 33140, and pursuant to a resolution authorizing such an action may contract with the Department of Housing and Community Development or any other agency or housing authority, for the furnishing by the department, agency, or housing authority of any necessary staff services associated with or required by redevelopment and which could be performed by the staff of an agency. In such a case the legislative body shall be vested with all of the rights, powers, duties, and privileges and immunities vested by this part in an agency.

SEC 1 7. Section 33445 of the Health and Safety Code is amended to read:

33445 Notwithstanding the provisions of Section 33440, an agency may, with the consent of the legislative body, pay all or part of the value of the land for and the cost of the installation and construction of any building, facility, structure, or other improvement which is publicly owned either within or without a project area, upon a determination by resolution of the agency and local legislative body that such buildings, facilities structures or other improvements are of benefit to the project area in which such buildings facilities, structures, or other improvements are located or to any other project area within the jurisdiction of such agency and legislative body. Such determination by the agency and the local legislative body shall be final and conclusive as to the issue of benefit to the project area

When the value of such land or the cost of the installation and construction of such building, facility, structure, or other improvement, or both, has been, or will be, paid or provided for initially by the community or other public corporation, the agency may enter into a contract with the community or other public corporation under which it agrees to reimburse the community or other public corporation for all or part of the value of such land or all or part of the cost of such building, facility, structure, or other improvement, or both, by periodic payments over a period of years.

The obligation of the agency under such contract shall constitute an indebtedness of the agency for the purpose of carrying out the redevelopment project for such project area, which indebtedness may be made payable out of taxes levied in such project area and allocated to the agency under subdivision (b) of Section 33670, or out of any other available funds.

In a case where such land has been or will be acquired by, or the cost of the installation and construction of such building, facility, structure or other improvement has been paid by, a parking authority, joint powers entity, or other public corporation to provide a building, facility, structure, or other

improvement which has been or will be leased to the community, such contract may be made with, and such reimbursement may be made payable to, the community.

SEC. 2. Section 34250 is added to the Health and Safety Code, to read:

34250. Notwithstanding any other provision of law, a governing body, at the time of the adoption of a resolution pursuant to Section 34240 or 34245 and pursuant to another resolution authorizing such an action, may contract with the Department of Housing and Community Development, or any other redevelopment agency or authority, for the furnishing by the department, redevelopment agency, or authority of any necessary staff services associated with or required by an authority and which could be performed by the staff of an authority. In such a case the governing body shall be vested with all of the rights, powers, duties, and privileges and immunities vested by this part in an authority.

SEC. 3. Section 34278 of the Health and Safety Code is amended to read:

34278. (a) An authority shall select from among its commissioners a vice chairman. It also may employ a secretary, who shall be executive director, technical experts, and such other officers agents, and employees as it requires, and shall determine their qualifications, duties, terms of employment and compensation.

(b) An authority may contract with the Department of Housing and Community Development, or any other authority, for the furnishing by the department or authority of any necessary staff services associated with or required by an authority and which could be performed by the staff of an authority.

SEC. 4. Section 37115 is added to the Health and Safety Code, to read:

37115. Notwithstanding any other provision of law, the department may contract with the legislative body or governing body of a community, city, county, or city and county, or with the redevelopment agency or housing authority, as the case may be, to provide any necessary staff services associated with, or required by, a redevelopment agency or a housing authority and which could be performed by the staff of an agency or authority.

SEC. 5. It is the intent of the Legislature, if amendments to Section 33126 of the Health and Safety Code proposed by both this bill and A B. 2007 are enacted, that both amendments be given effect and incorporated in Section 33126 in the form set forth in Section 1 3 of this act. Therefore, in the event A.B. 2007 is enacted and amends Section 33126, Section 1.3 of this act shall become operative at the same time that Section 33126 as amended by A B 2007 becomes operative, and at that time, Section 33126 of the Health and Safety Code as amended by Section 1 of this act is repealed.

CHAPTER 1239

An act to amend Sections 3 and 4 of Chapter 1462 of the Statutes of the 1968 Regular Session of the Legislature, relating to bank and corporation taxes, to take effect immediately, tax levy.

[Approved by Governor September 16, 1970. Filed with Secretary of State September 16, 1970.]

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

SECTION 1. Section 3 of Chapter 1462 of the Statutes of the 1968 Regular Session of the Legislature is amended to read:

Sec. 3. On or before November 1, 1970, and 1971, the Savings and Loan Commissioner, the Superintendent of Banks, and the Corporations Commissioner shall each make a written report to the Legislative Analyst on the effect of this act, and the Legislative Analyst shall submit these reports, together with his comments and recommendations, to the Legislature by not later than the 30th calendar day of the 1972 Regular Session.

SEC. 2. Section 4 of Chapter 1462 of the Statutes of the 1968 Regular Session of the Legislature is amended to read.

Sec. 4. Sections 1 and 2 of this act shall remain in effect for income years commencing prior to December 31, 1971, and shall have no force or effect after that date.

SEC. 3. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect.

CHAPTER 1240

An act to amend Sections 18355 and 18358 of the Education Code, relating to special schools and classes, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 16, 1970. Filed with Secretary of State September 16, 1970.]

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

SECTION 1. Section 18355 of the Education Code is amended to read:

18355. The Superintendent of Public Instruction shall allow, in addition to all other allowances, to the county school service funds: (a) for all emergency schools maintained in each elementary school district of the county by the county superintendent of schools, (b) all special schools or classes for mentally retarded minors and severely mentally retarded minors maintained in each elementary school district of the county by the county superintendent of schools, (c) each ele-

mentary school maintained in juvenile halls, juvenile homes, and juvenile camps, by the county superintendent of schools, and all opportunity schools and classes maintained by the county superintendent of schools pursuant to Sections 6502 and 6503, and (d) all schools and classes for educationally handicapped minors maintained in each elementary school district of the county by the county superintendent of schools, the same amount as he would compute as the foundation program of the elementary school district under Section 17655.5 or Section 17656.

No allowance shall be made for emergency schools which is in excess of the actual expense of maintaining the emergency school.

SEC. 2. Section 18358 of the Education Code is amended to read:

18358. For all physically handicapped pupils, mentally retarded minors and educationally handicapped minors of secondary grade educated by the county superintendent of schools, for all secondary schools maintained in juvenile halls, juvenile homes and juvenile camps by the county superintendent of schools, and for all opportunity schools and classes and all continuation schools and classes maintained by the county superintendent of schools, the Superintendent of Public Instruction shall allow the same amount as he would compute for the foundation program of a high school district under Section 17665.

SEC 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to ensure the proper support and operation of special opportunity schools and continuation schools and classes it is essential that this act be operative as early in the 1970–1971 fiscal year as possible so that the necessary administrative measures and fund allocations can be undertaken in a timely manner For this reason it is necessary that this act go into immediate effect.

CHAPTER 1241

An act to amend Section 5952 of the Education Code, relating to continuation classes.

[Approved by Governor September 16, 1970 Filed with Secretary of State September 16 1970]

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

SECTION 1. Section 5952 of the Education Code is amended to read:

5952. The governing board of each high school district and each unified school district shall establish and maintain

within its boundaries special continuation education classes and may establish and maintain regional occupational centers, in accordance with the provisions of Section 7451, whenever there are any minors residing within the district who are subject to compulsory continuation education; provided that if there are fewer than 100 students enrolled in grade 12 in any school of the district maintaining that grade, the governing board of the district may apply to the State Department of Education for exemption of that school from the requirements of this section and such exemption may be granted in accordance with rules and regulations that shall be adopted by the State Board of Education to govern the granting of the exemptions. An exemption may also be granted to schools having an enrollment of more than 100 pupils in grade 12 if the district seeking the exemption has entered into an agreement with another high school district or unified school district to maintain special continuation education classes for minors residing in either of the districts, but shall not be granted if the agreement would make it necessary for such minors to travel an excessive distance from their homes to the continuation education classes.

If there is a regional occupational center as provided in Chapter 14 (commencing with Section 7450) of Division 6 within a county, the governing board of any school district within that county may enroll minors, otherwise subject to, and in lieu of, continuation education, in the center in accordance with the provisions of Section 7455.

CHAPTER 1242

An act to amend Sections 11540.1 and 11543.5 of the Business and Professions Code, relating to subdivision maps.

[Approved by Governor September 16, 1970. Filed with Secretary of State September 16, 1970.]

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

SECTION 1. Section 11540.1 of the Business and Professions Code is amended to read:

11540.1. Nothing in this chapter prevents the governing body of any municipality or county from regulating the division of land which is not a subdivision, provided that such regulations are not more restrictive than the requirements for a subdivision. Whenever a local ordinance requires improvements for a division of land which is not a subdivision of five or more lots, such regulations shall be limited to the dedication of right-of-way, easements, and the construction of reasonable offsite improvements for the parcels being created. The validity of any conveyance, as defined in Section 1215 of the Civil Code, made contrary to the provisions of any ordinance prescribing the area or dimensions of lots or parcels, or prohibit-

ing the reduction in area or the separation in ownership of land, or requiring the filing of a map of any land to be divided, shall not be affected, except that any such ordinance may provide that any deed of conveyance, sale or contract to sell made contrary to the provisions of such ordinance is voidable to the extent and in the same manner provided in Section 11540.

SEC. 2. Section 11543.5 of the Business and Professions Code is amended to read:

11543.5. A local ordinance may require the payment of fees as a condition of approval of a final subdivision map, or parcel map for a division of land not defined as a subdivision, for purposes of defraying the actual or estimated costs of constructing planned drainage facilities for the removal of surface and storm waters from local or neighborhood drainage areas and of constructing planned sanitary sewer facilities for local sanitary sewer areas.

Such local ordinances may require payment of fees pursuant to this section if:

(1) The ordinance was adopted 30 days prior to the filing of the tentative map of any subdivision, or the filing of a parcel map for a division of land not defined as a subdivision, for which payment of fees is required;

(2) The ordinance refers to a drainage or sanitary sewer plan adopted for a particular drainage or sanitary sewer area, which contains an estimate of the total costs of constructing the local drainage or sanitary sewer facilities required by the plan, and a map of such area showing its boundaries and the location of such facilities;

(3) The drainage or sanitary sewer plan, in the case of a city, situated in a county having a countywide general drainage or sanitary sewer plan, has been determined by resolution of the governing body of the county to be in conformity with such a county plan, or in the case of a city situated in a county not having such a plan but in a district having such a plan, has been determined by resolution of the governing body of the district to be in conformity with the district general plan, or in the case of a city situated in a county having such a plan and in a district having such a plan, has been determined by resolution of the governing body of the county to be in conformity with such a plan and by resolution of the governing body of the district to be in conformity with the district general plan;

(4) The costs, whether actual or estimated, are based upon findings by the governing body that subdivision, or division of land not defined as a subdivision, and development of property within the planned local drainage area or local sanitary sewer area will require construction of the facilities described in the drainage or sewer plan, and that the fees are fairly apportioned within such areas either on the basis of benefits conferred on property proposed for subdivision or other division or on the need for such facilities created by the proposed sub-

division or other division and development of other property within such areas;

(5) The fee as to any property proposed for subdivision within such a local area does not exceed the pro rata share of the amount of the total actual or estimated costs of all facilities within such area which would be assessable on such property if such costs were apportioned uniformly on a per-acre basis.

(6) The drainage or sanitary sewer facilities planned are in addition to existing facilities serving the area at the time of the adoption of such a plan for the area.

Fees required by an ordinance adopted pursuant to this section for planned local drainage or sanitary sewer facilities shall be paid into a "planned local drainage facilities fund" and a "planned local sanitary sewer fund," respectively. Separate funds shall be established for each local drainage and sanitary sewer area. Moneys in such funds shall be expended solely for the construction or reimbursement for construction of local drainage or sanitary sewer facilities within the area from which the fees comprising the fund were collected, or to reimburse the county or city for the cost of engineering and administrative services to form the district and design and construct the facilities. An ordinance adopted pursuant to this section may provide for the acceptance of cash or other consideration in lieu of the payment of fees.

A county or city imposing fees pursuant to this section may advance money from its general fund to pay the costs of constructing such facilities within a local drainage or sanitary sewer area and reimburse the general fund for such advances from the planned local drainage or sanitary sewer facilities fund for the local drainage or sanitary sewer area in which the drainage or sanitary sewer facilities were constructed.

A county or city imposing fees pursuant to this section may incur an indebtedness for the construction of drainage or sanitary sewer facilities within a local drainage or sanitary sewer area; provided that the sole security for repayment of such indebtedness shall be moneys in the planned local drainage or sanitary sewer facilities fund.

CHAPTER 1243

An act to amend Sections 9112 and 10500 of the Unemployment Insurance Code, relating to job training and placement.

[Approved by Governor September 16, 1970. Filed with Secretary of State September 16, 1970.]

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

SECTION 1. Section 9112 of the Unemployment Insurance Code is amended to read:

9112. "Eligible person" means an unemployed person or underemployed person who resides in an economically disadvantaged area or resides outside of an economically disadvantaged area but who resides in a county in which an economically disadvantaged area exists and qualifies under criteria established by the director.

SEC. 2. Section 10500 of the Unemployment Insurance Code is amended to read:

10500. Money appropriated from the Manpower Development Fund shall be allocated as follows:

(a) Job training and placement funds and services allocable from state and federal sources pursuant to the provisions of Title IV of the Social Security Act relating to work incentive programs (Public Law 90-248) shall be allocated for public assistance recipients and potential public assistance recipients in a manner consistent with the provisions of that act.

(b) To the extent permissible under federal law, the department shall, in conjunction with and approval of the board, prepare and periodically review a plan which will allocate at least 75 percent of the remaining job training and placement funds and services to serve eligible persons in such a way as to prevent discrimination by serving persons whose minority group characteristics coincide to the fullest extent possible with the minority group characteristics of the unemployed and underemployed in the economically disadvantaged areas of their community.

Money in the Manpower Development Fund shall be allocated according to the following priorities:

(1) Unemployed heads of households;

(2) Underemployed heads of households;

(3) Other unemployed and underemployed persons.

(c) Remaining job training and placement funds and services shall be used to serve other persons.

(d) Veterans shall be accorded priority pursuant to federal law.

CHAPTER 1244

An act to add Section 25611.5 to the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor September 16, 1970. Filed with Secretary of State September 16, 1970.]

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

SECTION 1. Section 25611.5 is added to the Business and Professions Code, to read:

25611.5. The provisions of Section 25611 shall not apply to buildings, located within a state park, on which signs depicting or reproducing historical conditions and usage may be placed.

CHAPTER 1245

An act to amend Section 688.1 of the Code of Civil Procedure, relating to judgments.

[Approved by Governor September 16, 1970. Filed with Secretary of State September 16, 1970.]

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

SECTION 1. Section 688.1 of the Code of Civil Procedure is amended to read:

688.1. (a) Except as provided for in subdivision (b), upon motion of a judgment creditor of any party in an action or special proceeding made in the court in which the action or proceeding is pending upon written notice to all parties, the court or judge thereof may, in his discretion, order that the judgment creditor be granted a lien upon the cause of action, or the right to relief, if the party or parties against whom the lien is sought are appearing in a capacity other than plaintiff and upon any judgment subsequently procured in such action or proceeding, and during the pendency of such action, may permit said judgment creditor to intervene therein. Such judgment creditor shall have a lien to the extent of his judgment upon all moneys recovered by his judgment debtor in such action or proceeding, and no compromise, settlement or satisfaction shall be entered into by or on behalf of said debtor without the consent of said judgment creditor, unless his lien is sooner satisfied or discharged. The clerk or judge of the court shall endorse upon the judgment recovered in such action or proceeding a statement of the existence of the lien, the date of the entry of the order creating the lien, and the place where entered, and any abstract issued upon the judgment shall contain, in addition to the matters set forth in Section 674 of the Code of Civil Procedure, a statement of the lien in favor of such judgment creditor.

(b) Nothing in this section shall be construed to permit an assignee by operation of law of a party to a personal injury action to acquire any interest in or lien rights upon any moneys recovered by such party for general damages.

SEC. 2. Section 688.1 of the Code of Civil Procedure is amended to read:

688.1. (a) Except as provided for in subdivision (b), upon motion of a judgment creditor of any party in an action or special proceeding made in the court in which the action or proceeding is pending upon written notice to all parties, the court or judge thereof may, in his discretion, order that the judgment creditor be granted a lien upon the cause of action, and upon any judgment subsequently procured in such action or proceeding, and, during the pendency of such action, may permit such judgment creditor to intervene therein. Such judgment creditor shall have a lien to the extent of his judgment upon all moneys recovered by his judgment debtor in

such action or proceeding and no compromise, settlement or satisfaction shall be entered into by or on behalf of such debtor without the consent of such judgment creditor, unless his lien is sooner satisfied or discharged. The clerk or judge of the court shall endorse upon the judgment recovered in such action or proceeding a statement of the existence of the lien, the date of the entry of the order creating the lien, and the place where entered, and any abstract issued upon the judgment shall contain, in addition to the matters set forth in Section 674 of the Code of Civil Procedure, a statement of the lien in favor of such judgment creditor.

(b) Nothing in this section shall be construed to permit an assignee by operation of law of a party to a personal injury action to acquire any interest in or lien rights upon any moneys recovered by such party for general damages

SEC. 3. It is the intent of the Legislature, if amendments to Section 688.1 of the Code of Civil Procedure proposed by both this bill and Assembly Bill No. 2240 are enacted, that both amendments be given effect and incorporated in Section 688.1 in the form set forth in Section 2 of this act. Therefore, in the event Assembly Bill No. 2240 is enacted and amends Section 688.1, Section 2 of this act shall become operative at the same time that Section 688.1 as amended by Assembly Bill No. 2240 becomes operative, and at that time, Section 688.1 of the Code of Civil Procedure as amended by Section 1 of this act is repealed.

CHAPTER 1246

An act to add Division 3.6 (commencing with Section 9950) to the Vehicle Code, relating to vehicle sales.

[Approved by Governor September 16, 1970. Filed with Secretary of State September 16, 1970.]

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

SECTION 1. Division 3.6 (commencing with Section 9950) is added to the Vehicle Code, to read:

DIVISION 3.6. VEHICLE SALES

CHAPTER 1. ADVERTISING, BROCHURES, AND MANUALS

9950. Any advertisement, brochure or manual relating to any gasoline-powered motor vehicle of 1972 or later year model which contains any reference to the horsepower of the engine of such vehicle shall state the actual horsepower rating of such engine as determined by an actual dynamometer test which measured the power delivered at the driving wheels of such vehicle.

9951. Any advertisement, brochure, or manual relating to any gasoline-powered motor vehicle with a manufacturer's

gross vehicle weight rating of under 6,000 pounds of 1972 or later year model which states the S.A.E. horsepower rating of the vehicle shall display immediately above or below, and in type, print, or letter of an equal size as, the S.A.E. horsepower rating, the actual horsepower rating of the vehicle as determined pursuant to Section 9950.

9952. Any person who publishes, or causes to be published, or offers for sale or sells, or gives to another person, any advertisement, brochure, or manual which violates either Section 9950 or 9951 is guilty of an infraction.

CHAPTER 1247

An act to amend Sections 1861 and 1861a of the Civil Code, relating to liens.

[Approved by Governor September 16, 1970. Filed with Secretary of State September 16, 1970.]

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

SECTION 1. Section 1861 of the Civil Code is amended to read:

1861. Hotel, motel, inn, boardinghouse, and lodginghouse keepers shall have a lien upon the baggage and other property belonging to or legally under the control of their guests, boarders, tenants, or lodgers which may be in such hotel, motel, inn, or boarding or lodging house for the proper charges due from such guests, boarders, tenants, or lodgers, for their accommodation, board and lodging and room rent, and such extras as are furnished at their request, and for all money paid for or advanced to such guests, boarders, tenants, or lodgers, and for the costs of enforcing such lien with the right to the possession of such baggage and other property until such charges and moneys are paid; and unless such charges and moneys shall be paid within 60 days from the time when the same become due, said hotel, motel, inn, boardinghouse or lodginghouse keeper may sell said baggage and property at public auction to the highest bidder, after giving notice of such sale by publication of a notice containing the name of the debtor, the amount due, a brief description of the property to be sold, and the time and place of such sale, pursuant to Section 6064 of the Government Code in the county in which said hotel, motel, inn, boardinghouse or lodginghouse is situated and also by mailing, at least fifteen (15) days before such sale, a copy of such notice addressed to such guest boarder, tenant or lodger at his post office address, if known and if not known, such notice shall be addressed to such guest boarder, tenant or lodger at the place where such hotel, motel, inn, boardinghouse or lodginghouse is situated; and after satisfying such lien out of the proceeds

of such sale together with any reasonable costs that may have been incurred in enforcing said lien, the residue of said proceeds of sale, if any, shall upon demand made within six months after such sale, be paid by said hotel, motel, inn, boardinghouse or lodginghouse keeper to such guest, border, tenant, or lodger; and if not demanded within six months from the date of such sale, such residue shall be paid into the treasury of the county in which such sale took place; and if the same be not claimed by the owner thereof, or his legal representatives, within one year thereafter, the same shall be paid into the general fund of said county; and such sale shall be a perpetual bar to any action against said hotel, motel, inn, boardinghouse or lodginghouse keeper for the recovery of such baggage or property or of the value thereof, or for any damages growing out of the failure of such guest, boarder, tenant, or lodger to receive such baggage or property; provided, however, that if any baggage or property becoming subject to the lien herein provided for does not belong to the guest, lodger, tenant, or boarder who incurred the charges or indebtedness secured thereby, at the time when such charges or indebtedness was incurred, and if the hotel, motel, inn, boarding or lodging house keeper entitled to such lien receives notice of such fact at any time before the sale of such baggage or property hereunder, then, and in that event, such baggage and property which is subject to said lien and did not belong to said guest, boarder, tenant, or lodger at the time when such charges or indebtedness was incurred shall not be subject to sale in the manner hereinbefore provided, but such baggage and property may be sold in the manner provided by the Code of Civil Procedure for the sale of property under a writ of execution, to satisfy a judgment obtained in any action brought to recover the said charges or indebtedness.

In order to enforce the lien provided for in this section, a motel, hotel, inn, boardinghouse and lodginghouse keeper shall have the right to enter peaceably the premises used by his guest, boarder, lodger, or tenant in such hotel, motel, inn, boardinghouse, or lodginghouse without liability to such guest, tenant, boarder, or lodger for conversion trespass, or forcible entry. An entry shall be considered peaceable when accomplished with a key or passkey or through an unlocked door during the hours between sunrise and sunset.

This section does not apply to:

1. Any musical instrument of any kind or description which is used by the owner thereof to earn all or a part of his living.

2. Any prosthetic or orthopedic appliance personally used by a guest, boarder, tenant, or lodger.

SEC. 2. Section 1861a of the Civil Code is amended to read:

1861a. Keepers of furnished and unfurnished apartment houses, apartments, cottages, or bungalow courts shall have a lien upon the baggage and other property of value belonging to their tenants or guests, and upon all the right, title and interest of their tenants or guests in and to all property in the

possession of such tenants or guests which may be in such apartment house, apartment, cottage, or bungalow court, for the proper charges due from such tenants or guests, for their accommodation, rent, services, meals, and such extras as are furnished at their request, and for all moneys expended for them, at their request, and for the costs of enforcing such lien.

Such lien may be enforced only after final judgment in an action brought to recover such charges or moneys. During the pendency of the proceeding, the plaintiff may take possession of such baggage and property upon an order issued by the court, where it appears to the satisfaction of the court from an affidavit filed by or on behalf of the plaintiff that the baggage or property is about to be destroyed, substantially devalued, or removed from the premises. Ten days written notice of the hearing on the motion for such order shall be served on the defendant and shall inform the defendant that he may file affidavits on his behalf and present testimony in his behalf and that if he fails to appear the plaintiff will apply to the court for such order The plaintiff shall file an undertaking with good and sufficient sureties, to be approved by the court, in such sum as may be fixed by the court.

Upon such order, the plaintiff shall have the right to enter peaceably the unfurnished apartment house, apartment, cottage, or bungalow court used by his guest or tenant without liability to such guest or tenant, including any possible claim of liability for conversion, trespass, or forcible entry. The plaintiff shall have the same duties and liabilities as a depository for hire as to property which he takes into his possession. An entry shall be considered peaceable when accomplished with a key or passkey or through an unlocked door during the hours between sunrise and sunset. Unless the judgment shall be paid within 30 days from the date when it becomes final, the plaintiff may sell the baggage and property, at public auction to the highest bidder, after giving notice of such sale by publication of a notice containing the name of the debtor, the amount due, a brief description of the property to be sold, and the time and place of such sale, pursuant to Section 6064 of the Government Code in the county in which said apartment house, apartment, cottage or bungalow court is situated, and after by mailing, at least 15 days prior to the date of sale, a copy of such notice addressed to such tenant or guest at his residence or other known address, and if not known, such notice shall be addressed to such tenant or guest at the place where such apartment house, apartment, cottage, or bungalow court is situated; and, after satisfying such lien out of the proceeds of such sale, together with any reasonable costs, that may have been incurred in enforcing said lien, the residue of said proceeds of sale, if any, shall, upon demand made within six months after such sale, be paid to such tenant or guest; and if not demanded within six months from the date of such sale, said residue, if any, shall be paid into the treasury of the county in which such sale took place; and if the same be not

claimed by the owner thereof, or his legal representative within one year thereafter, it shall be paid into the general fund of the county; and such sale shall be a perpetual bar to any action against said keeper for the recovery of such baggage or property, or of the value thereof, or for any damages, growing out of the failure of such tenant or guest to receive such baggage or property.

When the baggage and property are not in the possession of the keeper as provided herein, such lien shall be enforced only by writ of execution.

This section does not apply to:

(a) Any musical instrument of any kind or description which is used by the owner thereof to earn all or a part of his living.

(b) Any prosthetic or orthopedic appliance, or any medicine, drug, or medical equipment or health apparatus, personally used by a tenant or guest, or a member of his family who is residing with him.

(c) Table and kitchen furniture, including one refrigerator, washing machine, sewing machine, stove; bedroom furniture, one overstuffed chair, one davenport, one dining table and chairs, and also all tools, instruments, clothing and books used by the tenant or guest in gaining a livelihood; beds, bedding and bedsteads, oil paintings and drawings drawn or painted by any member of the family of the tenant or guest, and any family portraits and their necessary frames.

(d) All other household, table or kitchen furniture not expressly mentioned in paragraph (c), including but not limited to radios, television sets, phonographs, records, motor vehicles that may be stored on the premises except so much of any such articles as may be reasonably sufficient to satisfy the lien provided for by this section; and provided further, that such lien shall be secondary to the claim of any prior bona fide holder of a chattel mortgage on and the rights of a conditional seller of such articles, other than the tenant or guest. Any property which is exempt from attachment or execution under the provisions of the Code of Civil Procedure shall not be subject to the lien provided for in this section.

CHAPTER 1248

An act to amend Section 42201 of the Vehicle Code, relating to school crossing guards, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 16, 1970. Filed with Secretary of State September 16, 1970.]

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

SECTION 1. Section 42201 of the Vehicle Code is amended to read:

42201. (a) Of the total amount of fines and forfeitures received by a county under subsection (a) of subdivision (1) of Section 1463 of the Penal Code, that proportion which is represented by fines and forfeitures collected from any person charged with a misdemeanor under this code following arrest by any officer employed by the state or by the county shall be paid into the treasury of the county and deposited in the road fund of the county; provided, however, that the board of supervisors of the county may, by resolution, provide that not more than 50 percent thereof be transferred into the general fund of the county.

(b) The board of supervisors of a county may enter into a contract with the Department of the California Highway Patrol for the purpose of providing adequate protection for school pupils who are required to cross heavily traveled streets, highways, and roadways in the unincorporated areas of the county. When requested the Department of the California Highway Patrol may provide such service and the county shall reimburse the state for salaries and wages of crossing guards furnished by the Department of the California Highway Patrol pursuant to such contract, including any necessary retirement and general administrative costs and expenses in connection therewith, and may pay the costs thereof from amounts deposited in the road fund pursuant to this section.

(c) When requested by any county which had in effect on June 30, 1970, a contract with the Department of California Highway Patrol to provide protection for school pupils at school crossings, the department shall provide such service and the county shall reimburse the state in the manner provided in subdivision (b).

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health and safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The Legislature has authorized counties to contract with the Department of the California Highway Patrol for securing the safety of schoolchildren The Department of the California Highway Patrol has notified counties that such protection will not be provided after June 30, 1970. It is essential that the present workable program be continued without interruption for the safety of children in counties which have relied on this protection.

CHAPTER 1249

An act to amend Section 5200 of the Elections Code and Sections 54775, 54783, 54796, 56068, 56132, 56133, 56234, 56250, 56260, 56263, 56275, 56276, 56315, 56442, and 56472 of, and to add Chapter 6.5 (commencing with Section 54725), Part 1, Division 2, Title 5, Sections 54776.3 and 54782.6, Article 4

(commencing with Section 54850), Chapter 6.6, Part 1, Division 2, Title 5, and Section 56261.1 to, and to repeal Chapter 7 (commencing with Section 54800), Part 1, Division 2, Title 5 and Section 56134 of, the Government Code, and to repeal Section 5202 of the Elections Code, and Section 91.5 of Chapter 25 of the Statutes of 1907, relating to local agency formation commissions.

[Approved by Governor September 16, 1970. Filed with Secretary of State September 16, 1970.]

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

SECTION 1. **Section 5200 of the Elections Code is amended to read:**

5200. The electors of any district, which is a local public entity as defined by Section 900.4 of the Government Code, and to which Section 5150 of this code applies, shall have the **right to petition for referendum on legislative acts of such district in the same manner and subject to the same rules as are set forth in Sections 3751, 3752, 3753, and 3754 of this code,** except that all computations referred to in those sections and **officers of the county mentioned in those sections shall be construed to refer to comparable computations and officers of the district.**

SEC. 2. Section 5202 of the Elections Code is repealed.

SEC. 2.2. Chapter 7 (commencing with Section 54800) of Part 1, Division 2, Title 5 of the Government Code is repealed.

SEC. 2.4. Chapter 6.5 (commencing with Section 54725) is added to Part 1 of Division 2, Title 5 of the Government Code, to read:

CHAPTER 6.5. CONTRACTS OF SANITATION OR SEWERAGE ENTERPRISES

54725. As used in this chapter, local agency means any city, county, municipal utility district, public utility district, sanitary district, county sanitary district, sanitation district, or any municipal or public corporation or district authorized to acquire, construct, own, or operate a sanitation system, a sewer system, or both.

54726. As used in this chapter, "law" includes the charter of any local agency.

54727. As used in this chapter, "enterprise" means systems, plants, works, or undertakings used or useful in the collection, treatment, and disposal of waste, refuse, and garbage, or of sewage, waste, and storm water. It includes all parts of any such enterprise and all appurtenances to it, and lands, easements, rights in land, contract rights, franchises, approaches, dams, garbage trucks, equipment, dumps, garbage disposal plants and incinerators or other disposal facilities, sewage treatment plants, sewage disposal plants, intercepting

and collecting sewers, outfall sewers, trunk connecting, and other sewer, waste, and storm water mains.

54728 As used in this chapter, "improve" means reconstruct, replace, extend, repair, better, equip, develop, embellish, or otherwise improve.

54729. As used in this chapter, "bonds" means bonds issued by a local agency payable exclusively from the revenues of the enterprise for which the bonds are issued.

54730. If in the opinion of the legislative body it will benefit the local agency to enter the contract, any local agency issuing bonds for the acquisition, construction, extension, or improvement of any sanitation or sewer enterprise may contract with persons to design, construct, extend, improve, maintain, or operate the enterprise.

54731. All consideration paid under the contract is payable solely from the revenues of the enterprise and the contracts shall expressly provide.

54732. The duration and terms of the contracts shall be those which the legislative body determines to be for the best interests of the local agency in each case.

54733. The contracts may be made for any period not exceeding the time when the principal and interest of all bonds of the enterprise have been paid in full.

54734. When the legislative body determines that an enterprise is necessary and convenient for the preservation of public health, it may adopt a general specification for the enterprise setting forth:

(a) Definite criteria of capacity and general location of the enterprise.

(b) General structural requirements.

(c) Degree of purification and manner of disposal of effluent and sludge.

(d) The duration of operation under the control, supervision, and responsibility of the contractor after the required performance has been demonstrated.

54735. The contract shall be awarded to the lowest responsible bidder and shall conform to all other statutes and ordinances applicable to public contracts.

54736. A local agency shall not by any such contract transfer or attempt to transfer to any person or in any way restrict the exercise of the local agency's legal powers and duties concerning:

(a) The issuance and sale of the bonds of the enterprise.

(b) The payment of the principal and interest of the bonds.

(c) The receipt, handling, and disbursement of and accounting for the proceeds of the bonds.

(d) The fixing and collection of fees, tolls, rates, rentals, and other charges for the services of the enterprise.

(e) The handling and disbursement of and accounting for the receipts and other funds of the enterprise.

(f) The making and enforcing of ordinances and regulations to protect and promote public health and safety in connection with the enterprise and its operation

54737. The affirmative vote of four-fifths of the legislative body is required to approve the contracts

54738. When determined by its legislative body to be in the public interest or necessary for the protection of the public health, the local agency may enter into and perform contracts, not to exceed a term of 40 years, with any industrial establishment for the provision and operation by the local agency of sewerage facilities to abate or reduce the pollution of water caused by discharges of industrial waste by the industrial establishment and the payment periodically or otherwise by the industrial establishment to the local agency of amounts at least sufficient, in the determination of such legislative body, to compensate the local agency for the cost of providing, including any payment of principal and interest charges, and of operating and maintaining the sewerage facilities serving such industrial establishment, or such portion of such cost as the legislative body determines is fair and equitable. Such contracts may be made irrespective of whether bonds are issued in connection therewith.

SEC. 26 Section 54775 of the Government Code is amended to read:

54775. Unless the provisions or context otherwise require, the following definitions shall govern the construction of this chapter:

(a) "City officer" means the mayor or a member of the legislative body of the city.

(b) "Commission" means a local agency formation commission created pursuant to this chapter.

(c) "County officer" means a member of the board of supervisors.

(d) "Function" means any power granted by law to a local agency or a county to provide designated governmental or proprietary services or facilities for the use, benefit or protection of persons or property.

(e) "Independent special district" includes any special district having a legislative body all of whose members are elected by registered voters or landowners within the district and excludes any special district having a legislative body consisting, in whole or in part, of ex officio members who are officers of a county or another local agency or who are appointees of such officers. "Independent special district" does not include any district excluded from the provisions of the District Reorganization Act pursuant to the provisions of Section 56039 of this code.

(f) "Independent special district officer" means the presiding officer or a member of the legislative body of an independent special district.

(g) "Initiate" or "initiation" means, in the case of proceedings, the first procedural step authorized or required by

any law for the commencement of such proceedings, such step being one of the following:

(1) The circulation of a petition requesting any proceedings;

(2) The filing with any officer of a county or a local agency of a notice of intention to circulate such a petition; or

(3) The adoption by a legislative body of a county or a local agency of any resolution, order, or ordinance initiating proceedings on its own motion

(h) "Local agency" means a city or a special district.

(i) "Principal county," in the case of a special district whose territory is or will be located in two or more counties, shall have the meaning contained in any definition of "principal county," as set forth in the law pursuant to which said special district was or is proposed to be formed. If the law pursuant to which the special district was, or is proposed to be, formed contains no such definition, for purposes of this chapter "principal county" means the county having all or the greater portion of the entire assessed value, as shown on the last equalized assessment roll of the counties, of the taxable property in, or proposed to be included in, the special district.

(j) "Proceedings" means the procedure authorized and required by any law for the incorporation of a new city, the formation of a special district, the annexation of territory to a local agency or the exclusion of territory from a city, or the disincorporation of a city.

(k) "Proponent" means any person intending to circulate or cause the circulation of any petition.

(*l*) "Service" means a class established within and as a part of a single function, as provided by rules and regulations adopted by the commission pursuant to Article 4 (commencing with Section 54850) of this chapter.

(m) "Special district" means an agency of the state for the local performance of governmental or proprietary functions within limited boundaries. "Special district" does not include the state, a city, a county, or a school district. "Special district" does include a county service area but does not include a special assessment district formed under the Improvement Act of 1911, the Municipal Improvement Act of 1913, the Street Opening Act of 1903, the Vehicle Parking District Law of 1943, the Parking District Law of 1951, the Pedestrian Mall Law of 1960, or any similar assessment law, or any similar procedural ordinance adopted by a chartered city. "Special district" does not include an improvement district or zone formed for the sole purpose of designating an area which is to bear a special tax or assessment for an improvement benefiting that area.

SEC. 3. Section 54776.3 is added to the Government Code, to read:

54776.3. Notwithstanding the provisions of Section 6103 of this code, the commission may establish a schedule of fees

for filing and processing applications filed with the commission pursuant to Section 54791. Such fees shall not exceed those charged pursuant to Sections 56132 and 56133.

SEC. 3.2 Section 54782.6 is added to the Government Code, to read:

54782.6. The commission of any county shall be enlarged to seven members if, pursuant to Article 4 (commencing with Section 54850) of this chapter, the commission of any county (i) orders representation of independent special districts upon the commission and (ii) adopts rules and regulations affecting the functions and services of independent special districts. In addition to the commission members selected pursuant to Sections 54780, 54781 and 54782, two commission members shall be selected by an independent special district selection committee to represent independent special districts in the county.

The independent special district selection committee shall consist of the presiding officer of the legislative body of each independent special district. Such districts shall include districts located wholly within the county and those containing territory within the county representing 50 percent or more of the assessed value of taxable property of such district, as shown on the last equalized county assessment roll or rolls. Each member of the committee shall be entitled to one vote for each independent special district of which he is the presiding officer and members representing a majority of the eligible districts shall constitute a quorum.

The executive officer shall call and give written notice of all meetings of the members of the selection committee. A meeting shall be called and held (i) whenever a vacancy exists among the members or alternate members representing independent special districts upon the commission or (ii) upon receipt of a written request by one or more members of the selection committee representing districts having 10 percent or more of the assessed value of taxable property within the county, as shown on the last equalized county assessment roll.

The selection committee shall appoint two regular members and two alternate members to the commission; the members so appointed shall be independent special district officers residing within the county. If one of the regular district members is absent from a commission meeting, disqualifies himself from participating in a meeting or is automatically disqualified from participating therein, the alternate district member is authorized to serve and vote in his place for that meeting. When the commission is considering any proposal affecting the district for which the regular member is an independent special district officer, such member is automatically disqualified from participating in proceedings of the commission with respect to the proposal and the alternate member shall serve and vote in his place upon such proposal.

SEC. 3.4. Section 54783 of the Government Code is amended to read:

54783. Except for the terms of office of the members of the first commission, the term of office of each member shall be four years and until the appointment and qualification of his successor. The members of the first commission shall classify themselves by lot so that the term of office of one member is one year, of one member is two years, of two members is three years and of one member is four years. Upon enlargement of the commission to seven members, as provided in Section 54782.6, the new members first appointed to represent independent special districts shall classify themselves by lot so that the expiration date of the term of office of one new member coincides with the existing member who holds the office represented by the original two-year term mentioned in the preceding sentence of this section and of the other new member coincides with the existing member who holds the office represented by the original four-year term mentioned in the preceding sentence. The body which originally appointed a member whose term has expired shall appoint his successor for a full term of four years. Any member may be removed at any time and without cause by the body appointing him. The expiration date of the term of office of each member shall be the first Monday in May in the year in which his term is to expire. Any vacancy in the membership of the commission shall be filled for the unexpired term by appointment by the body which originally appointed the member whose office has become vacant.

The chairman of the commission shall be selected by the members thereof.

Commission members and alternates shall be reimbursed the actual amounts of their reasonable and necessary expenses incurred in attending meetings and in performing the duties of their office. The board of supervisors may authorize payment of a per diem to commission members and alternates for each day while they are in attendance at meetings of the commission.

SEC. 4. Section 54796 of the Government Code is amended to read:

54796. Factors to be considered in the review of a proposal shall include but not be limited to:

(a) Population, population density; land area and land use; per capita assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent incorporated and unincorporated areas, during the next 10 years.

(b) Need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for such services and controls; probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas.

(c) The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests and on the local governmental structure of the county.

(d) The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.

(e) Conformity with appropriate city or county general and specific plans.

SEC 4.5. Article 4 (commencing with Section 54850) is added to Chapter 6.6 of Part 1, Division 2, Title 5 of the Government Code, to read.

Article 4. Special Districts

54850. The commission may take proceedings pursuant to this article for the adoption, amendment or repeal of rules and regulations affecting the functions and services of special districts within the county and for representation of independent special districts upon the commission. Such proceedings may be initiated either by the commission or by independent special districts within the county. If any such rules and regulations are adopted and affect the functions or services provided or authorized to be provided by law by independent special districts within the county, then so long as such rules and regulations remain in effect independent special districts shall be represented by members appointed to the commission.

54851. The commission may adopt, amend or repeal rules and regulations affecting the functions and services of special districts within the county. The rules and regulations shall designate the special districts, by type and by principal act, to which they apply and the rules and regulations shall not apply to or affect the functions and services of any special districts not so designated. The rules and regulations may:

(a) Classify the various types of service which customarily are or can be provided within a single function of a special district. A class may be based upon the type of service; the purpose or use of the service; the facilities used to provide service; the type of consumers or users of the service; the extent of territory provided with service; and any other factors which, in the opinion of the commission, are necessary or convenient to group persons, properties or activities into a class having common characteristics distinct from those of other classes.

(b) Require existing districts to file written statements with the commission specifying the functions or classes of service provided by such districts.

(c) Establish the nature, location and extent of any functions or classes of service provided by existing districts.

(d) Determine that, except as otherwise authorized by such rules and regulations, no new or different function or class of service shall be provided by any existing district.

The rules and regulations shall not apply to the extension or enlargement, within the boundaries of an existing special district, of any function or service which the commission, pursuant to this section, has established is currently being provided by such special district.

54852. In any county where rules and regulations have been adopted, an application for the formation of a special district shall set forth the functions and services proposed to be provided by the district. If, in the opinion of the commission, approval of such application will necessitate adoption of any new rules and regulations or the amendment or repeal of any existing rules and regulations, the commission may condition approval of such application upon the adoption, amendment or repeal of such rules and regulations. Thereupon the commission shall initiate and conduct proceedings pursuant to this article for the adoption, amendment or repeal of such rules and regulations.

54853. Either the commission or the legislative body of any independent special district or districts within a county may adopt a resolution initiating proceedings.

(a) If a resolution proposes representation of independent special districts upon the commission, it shall also request the adoption of rules and regulations, as designated in Section 54851, affecting the functions and services of special districts within the county.

(b) If a resolution proposes only the adoption, amendment or repeal of rules and regulations affecting the functions and services of special districts, it shall request either that the commission:

(1) Consider the proposal without reference to a special district advisory committee, in which case the resolution shall contain the text of the rules and regulations proposed to be adopted, amended or repealed; or,

(2) Refer the proposal to a special district advisory committee for study, report and recommendation, in which case the resolution shall generally describe the nature of the rules and regulations proposed to be amended, adopted or repealed and, if then available, shall refer to a text on file with the secretary of the district for a detailed description thereof.

54853.1 If the commission adopts a resolution pursuant to subdivision (a) of Section 54853, the executive officer shall immediately call a meeting of the independent special district selection committee referred to in Section 54782.6. The meeting shall be held not less than 15 nor more than 35 days from the adoption of the resolution by the commission. The independent special district selection committee shall meet at the time and place designated by the executive officer and shall consider the commission's resolution. By majority vote of those district representatives voting on the issue, the selection committee shall either (i) approve or (ii) disapprove the commission's resolution. If the selection committee approves the commission's resolution, it shall immediately inform the executive officer of

such action, and the commission at its next meeting shall adopt a resolution of intention pursuant to Section 54855. If the selection committee disapproves the commission's resolution, it shall immediately inform the executive officer of this action and all further proceedings under this article shall cease.

54853.2. If an independent special district adopts a resolution pursuant to subdivision (a) of Section 54853, it shall immediately forward a copy thereof to the executive officer of the commission. Upon receipt of such resolutions from a majority of independent special districts within a county, the commission, at its next regular meeting, shall, by majority vote of those present and voting on the issue, either (i) approve or (ii) disapprove special district representation on the commission. If the commission approves such representation, it shall immediately adopt a resolution of intention pursuant to Section 54855. If the commission disapproves such representation, all further proceedings under this article shall cease.

54853.5. A certified copy of any resolution which has been adopted by an independent special district, pursuant to subsection (b) of Section 54853, and a copy of the text, if any, of proposed rules and regulations referred to therein shall be filed with the executive officer. If a resolution, or substantially identical resolution, has been filed by a majority of independent special districts within the county, then not later than 35 days after the filing, the commission shall adopt a resolution of intention in accordance with the filed resolution or resolutions.

54854. Minor changes in any existing rule and regulation affecting independent special districts may be ordered by the commission, without adoption of a resolution of intention, notice and hearing, or reference to a special district advisory committee, provided, that the commission makes a determination that such changes will not substantially affect the functions and services of any independent special district subject to such rules and regulations and such determinations as concurred in by both commission members appointed to represent independent special districts.

54855. Whenever the commission, or the independent special districts, as the case may be, have complied with the applicable provisions of Sections 54853, 54853.1, 54853.2, and 54853.5, the commission shall adopt a resolution of intention pursuant to this section. The resolution of intention shall:

(a) State whether the proceedings are initiated by the commission or by an independent special district or districts, in which case, the names of any such districts shall be set forth.

(b) If the resolution of intention proposes only the adoption, amendment or repeal of rules and regulations affecting the functions and services of special districts, it shall state either that the commission proposes:

(1) To consider the proposal without reference to a special district advisory committee, in which case the resolution shall contain the text of the rules and regulations proposed to be adopted, amended or repealed.

(2) To refer the proposal to a special district advisory committee for study, report and recommendation, in which case the resolution shall generally describe the nature of the rules and regulations proposed to be amended, adopted or repealed and, if then available, shall refer to a text on file with the executive officer for a detailed description thereof.

In addition, the resolution of intention adopted pursuant to this subsection shall also fix a time, not less than 15 nor more than 35 days after the adoption of the resolution of intention, and the place of hearing by the commission on the question of whether the proposal made by the resolution should be disapproved, approved and ordered without reference to a special district advisory committee, or referred to a special district advisory committee for study, report and recommendation to the commission.

(c) If the resolution of intention proposes representation of independent special districts on the commission, it shall state that the commission proposes to refer the proposal to a special district advisory committee and the commission shall immediately order the proposal referred thereto pursuant to Section 54858.

54856. If a hearing is called pursuant to subdivision (b) of Section 54855, the executive officer shall give notice of the hearing by publication, as provided in Sections 56083 and 56084, by posting, as provided in Sections 56085 and 56086, and by mailing to the clerk or secretary of the county and each local agency within the county, as provided in Sections 56087 and 56088.

54857. The hearing referred to in Section 54856 shall be held by the commission at the time and place specified or to which the hearing may be continued. After the conclusion of the hearing, the commission shall adopt a resolution disapproving the proposal made by the resolution of intention, approving and ordering the proposal without reference to a special district advisory committee, or ordering the proposal referred to a special district advisory committee for study, report and recommendation.

54858. If the commission orders a proposal referred to a special district advisory committee for study, report and recommendation, the appointment of and proceedings by the advisory committee shall be made and taken substantially in accordance with the provisions of Chapter 2 (commencing with Section 56220), Part 3, Division 1, Title 6 of the Government Code pertaining to reorganization committees, except that the advisory committee shall not be terminated until after the commission acts upon the report and recommendation of the advisory committee Various terms and phrases, as used in Chapter 2, shall have the following meanings when applied to proceedings taken pursuant to this article:

(a) "Plan of reorganization" means a plan containing the text of rules and regulations affecting the functions and services of special districts.

(b) "Proposal of reorganization," "reorganization," or "change of organization" means a proposal made pursuant to this article.

(c) "Reorganization committee" means the special district advisory committee.

(d) "Subject district" means an independent special district affected by a proposal made pursuant to this article.

If the commission is of the opinion that special districts other than independent special districts, may be affected by the proposal then in addition to the appointment of voting members to the advisory committee to represent independent special districts, the commission may authorize the legislative bodies of special districts, other than independent special districts, to appoint nonvoting members to the advisory committee Any nonvoting member shall have all of the rights of a voting member excepting only the right to vote.

54859. Where special district advisory committee consists of voting members representing more than five independent special districts, the advisory committee in its discretion may appoint an executive committee to undertake all or part of the study and may authorize the executive committee to prepare a tentative report and recommendation for submission to and approval by the full advisory committee. The executive committee shall consist of such number of voting members as the advisory committee may determine. If the commission shall have authorized the appointment of nonvoting members to the advisory committee, such nonvoting members may appoint members to the executive committee in numbers not exceeding those appointed by the voting members; any nonvoting member appointed to the executive committee shall have all of the rights of a voting member thereon, excepting only the right to vote.

Upon completion of the studies of the executive committee, it shall report to the full advisory committee and submit any tentative report and recommendation prepared by it. Thereupon the advisory committee may reject any tentative report and recommendation submitted, may adopt any such report and recommendation, either as submitted by the executive committee or as changed by the full advisory committee, or the advisory committee may prepare its own report and recommendation.

54860 Not later than 35 days after the filing with the executive officer of the report and recommendation of a special district advisory committee, the commission shall take one of the following actions:

(a) If the report concerns only the adoption, amendment or repeal of rules and regulations affecting the functions and services of special districts, the commission may either (i) disapprove the report without further notice and hearing or (ii) adopt a resolution of intention to hold a hearing on the report pursuant to subsection (b).

(b) If the report concerns a request for special district representation on the commission and the adoption, in connection with such representation, of rules and regulations affecting the functions and services of special districts, the commission shall adopt a resolution declaring its intention to approve the report and recommendation, as filed or as such rules and regulations may be changed by the commission after notice and hearing thereon. A resolution of intention shall:

(1) Refer to the report and recommendation of the special district advisory committee, generally describe the nature and contents of the report and recommendation and refer to the report and recommendation on file with the executive officer for a detailed description thereof.

(2) Declare the intention of the commission to approve the recommendation and report, as filed or as such rules and regulations may be changed by the commission after notice and hearing.

(3) Fix a time, not less than 15 nor more than 35 days after the adoption of the resolution of intention, and the place of hearing by the commission on the question of whether the report and recommendation filed by the special district advisory committee should be approved, either as filed or as ordered changed by the commission after notice and hearing.

54861 The executive officer shall give notice of the hearing by publication, as provided in Sections 56083 and 56084, by posting, as provided in Sections 56085 and 56086, and by mailing to the clerk or secretary of the county and each local agency within the county, as provided in Sections 56087 and 56088.

54862. The hearing shall be held by the commission at the time and place specified or to which the hearing may be continued. During the course of the hearing, the commission may propose changes in the report and recommendations Any such changes shall be referred, for review, to the special district advisory committee, or if the advisory committee has appointed an executive committee, to such executive committee. The advisory committee, or the executive committee, shall have 60 days to report back to the commission If no report is received by the commission within 60 days, the advisory committee shall be deemed to have approved the proposed changes in the report and recommendation.

Within 30 days after the conclusion of the hearing, the commission shall adopt a resolution approving the report and recommendation, either as filed or as such rules and regulations may be changed by the commission.

54863. Any resolution approving the report and recommendation of a special district advisory committee, either as filed or as changed by the commission, shall order

(a) The adoption, amendment or repeal of rules and regulations, in accordance with the recommendations of the approved report.

(b) The chairman of the commission to call and give notice of a meeting of the independent special district selection committee to be held within 15 days after the adoption of the resolution in order to select independent special district representations on the commission pursuant to Section 54782.6.

SEC. 5. Section 56068 of the Government Code is amended to read:

56068. "Reorganization" means one or more changes of organization proposed for:

(a) Each of two or more subject districts, including cities, landowner-voter districts or resident-voter districts and may include the formation of one or more new districts consisting of all or any part of the territory of any of the subject districts; or

(b) Any single such subject district and shall include the formation of one or more new districts consisting of all or any part of the territory of such subject district.

SEC. 6. Section 56132 of the Government Code is amended to read:

56132. Notwithstanding the provisions of Section 6103, a commission may establish a schedule of filing fees for checking the sufficiency of any petition filed with the executive officer. Such fees shall not exceed fifteen cents ($0.15) for each signature affixed to the petition. A minimum filing fee of not to exceed ten dollars ($10) may be established. Any fee so established shall be paid to the executive officer at the time of filing of the petition. No petition shall be deemed filed until such fees have been paid.

SEC. 7. Section 56133 of the Government Code is amended to read:

56133. Notwithstanding the provisions of Section 6103, the commission also may establish a schedule of processing fees for the estimated expenses of the preliminary proceedings to be taken by the commission and any reorganization committee. Such fees shall not exceed five hundred dollars ($500) for each separate change of organization contained in a proposal. Such processing fee shall be deposited with the executive officer after the filing with the executive officer of any application by a legislative body for a change of organization, or the certification by the executive officer of the sufficiency of a petition. Said deposit shall be made within such period as the commission may specify. No further action shall be taken upon any such application or petition until said processing fee is so deposited.

SEC. 8. Section 56134 of the Government Code is repealed.

SEC. 8.5. Section 56234 of the Government Code is amended to read:

56234. Upon completion of the study of a reorganization committee, said committee shall prepare and submit to the commission a report and recommendation containing:

(a) A brief summary of the nature and extent of the study of the committee.

(b) A full and complete description of the plan of reorganization and any alternative plans of reorganization which were studied by the committee.

(c) The recommendation of the committee for the approval or disapproval of all or any part of the plan of reorganization and of any alternative plans of reorganization.

SEC. 9. Section 56250 of the Government Code is amended to read:

56250. The commission shall have the powers and duties set forth in Chapter 6.6 (commencing with Section 54773) of Part 1, Division 2, Title 5, and the following additional powers and duties:

(a) To review and approve or disapprove with or without amendment, wholly, partially or conditionally the following:

(1) Proposals for changes of organization.

(2) Proposals for reorganizations not required to be referred to a reorganization committee.

(3) Reports and recommendations of a reorganization committee and any plan of reorganization or alternative plan of reorganization reported upon by such committee.

(b) To adopt standards and procedures for the evaluation of proposals, plans of reorganization and reports and recommendations of reorganization committees.

In all instances the commission shall consider whether proposals, plans of organization, and recommendations of reorganization committees are in conformity with applicable city or county general and specific plans.

Except as otherwise provided in this division, such powers and duties shall be exercised in accordance with the provisions of Chapter 6.6 (commencing with Section 54773) of Part 1, Division 2, Title 5. To the extent of any inconsistency between said Chapter 6.6 and this division, the provisions of this division shall control.

SEC. 10. 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) 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 or reorganization or report and recommendation of a reorganization committee until after public hearing by the commission thereon.

SEC. 11. Section 56261.1 is added to the Government Code, to read:

56261.1. If the legislative bodies, by a unanimous vote of all of the members of each thereof, of two or more districts adopt substantially similar resolutions of application making proposals either for the consolidation of all such districts or

for the reorganization of all or any part of such districts into a single district, the commission may authorize the board of supervisors to order the consolidation or reorganization (i) without notice and hearing by the board of supervisors, (ii) without an election, or (iii) both.

Before ordering any material change in the provisions or the terms and conditions of the consolidation or reorganization, as set forth in the proposals of the districts, the commission shall direct the executive officer to give each district mailed notice thereof. The commission shall not, without the written consent of all districts, take any further action on the consolidation or reorganization for 30 days following such mailing. Upon written demand by any of the districts, filed with the executive officer during such 30-day period, the commission shall make determinations upon said proposals only after notice and hearing thereon. If no such demand is filed, the commission may make such determinations without notice and hearing.

SEC. 12. Section 56263 of the Government Code is amended to read:

56263. 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. 13. Section 56275 of the Government Code is amended to read:

56275. Any legislative body conducting a proceeding for a change of organization or reorganization or any affected county, city, district, landowner, voter, taxpayer, inhabitant, consumer or other interested person desiring any addition, deletion, amendment or revision of any commission resolution making determinations or any term, condition or other provision contained therein, 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. 14. Section 56276 of the Government Code is amended to read:

56276. If pursuant to Section 56275, the commission shall approve any addition, deletion, amendment or revision of its resolution making determinations, further proceedings for the change of organization or reorganization shall be taken in compliance therewith. Any provision of this division requiring compliance with the commission's resolution making determina-

tions shall be deemed to include any addition, deletion, amendment or revision made thereto.

SEC. 15. 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.

The board of directors shall notify the commission of any such exclusion.

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. 16. Section 56442 of the Government Code is amended to read:

56442. A "major district" means any single subject district which has voting power greater than the combined voting power of all other subject districts or subject territories. A "major territory" means any subject territory which has voting power greater than the combined voting power of all other subject districts. A "minor district" or "minor territory" means any subject district or territory which is not a major district or major territory. No "major district" shall be deemed to exist: (i) where the territory of a single subject district overlaps the entire territory covered by the proposed reorganization, or, (ii) where the reorganization, as defined in subdivision (b) of Section 56068 affects only a single subject district. The voting power of the respective subject districts or subject territories shall be determined as follows:

(a) The total number of votes authorized to be cast within each subject district shall be determined for the entire territory of such district, including all overlapping territory.

(b) The total number of votes authorized to be cast within the subject territory shall be determined and shall be designated as the voting power of the subject territory.

(c) If the election is to be called and held within any territory ordered detached from a subject district, the voting power of such district shall be determined with respect only to the territory ordered detached and not the entire territory of such district.

(d) If the subject territory is proposed to be included in the formation of a new resident-voter district or annexed to an existing resident voter district the respective voting power thereof shall be computed in accordance with subdivision (e); if the subject territory is proposed to be included in the formation of a new landowner-voter district or annexed to an exist-

ing landowner-voter district, the respective voting power thereof shall be computed in accordance with subdivision (f).

(e) If all of the subject districts are cities or resident-voter districts, the respective voting power thereof shall be the total number of registered voters within each such city or district at the close of registration, as provided in the Elections Code, next preceding the date of election fixed in the resolution ordering the reorganization, subject to confirmation of the voters.

(f) If all of the subject districts are landowner-voter districts, the respective voting power thereof shall be deemed to be the assessed value of land, as shown on the last equalized assessment roll of the county, within each such district.

(g) If the subject districts or subject territory consist of any landowner-voter district and also any city or resident-voter district, the respective voting power thereof shall be computed and equated in the manner provided in Section 56118, except that computation may be made for such date, not earlier than 21 days before the close of registration, as provided in the Elections Code, next preceding the date of the election nor later than such close of registration, as the board of supervisors may specify.

SEC. 17. Section 56472 of the Government Code is amended to read:

56472. Proposed terms and conditions for a change of organization or a reorganization may be contained in any proposal therefor. At any time prior to completion of a change of organization or a reorganization, proposed terms and conditions or proposed additions, deletions, amendments or revisions of any terms and conditions proposed to or specified by the commission may be submitted to the commission pursuant to Section 56275.

SEC. 18. Section 91.5 of Chapter 25 of the Statutes of 1907 is repealed.

CHAPTER 1250

An act to add Section 3209.7 to the Labor Code, relating to workmen's compensation.

[Approved by Governor September 16, 1970. Filed with Secretary of State September 16, 1970.]

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

SECTION 1. Section 3209.7 is added to the Labor Code, to read:

3209.7. Treatment of injuries at the expense of the employer may also include, either in addition to or in place of medical, surgical, and hospital services, as specified in Section 3209.5, any other form of therapy, treatment, or healing practice agreed upon voluntarily in writing, between the employee and his employer. Such agreement may be entered into at any time after employment and shall be in a form approved by the

Department of Industrial Relations, and shall include at least the following items:

(a) A description of the form of healing practice intended to be relied upon and designation of individuals and facilities qualified to administer it.

(b) The employee shall not by entering into such an agreement or by selecting such therapy, treatment or healing practice, waive any rights conferred upon him by law, or forfeit any benefits to which he might otherwise be entitled.

(c) The employer and the employee shall each reserve the right to terminate such agreement upon seven days written notice to the other party.

No liability shall be incurred by the employer under the provisions of this section, except as provided for in Chapter 3 (commencing with Section 3600), of this part.

CHAPTER 1251

An act to add Article 3 (commencing with Section 8075) to Chapter 2 of Division 7 of the Education Code, relating to educational programs, and making an appropriation therefor.

[Approved by Governor September 16, 1970. Filed with Secretary of State September 16, 1970.]

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

SECTION 1. Article 3 (commencing with Section 8075) is added to Chapter 2 of Division 7 of the Education Code, to read:

Article 3. Individual Instruction and Vocational Education

8075. The Legislature hereby finds and declares that several schools have developed programs of individualized instruction based upon performance criteria, including the integration of vocational education with the regular coursework, which have greatly improved their students' achievement and that the success of such programs offers great promise for improving the effectiveness of education throughout the state. The Legislature intends to extend the use of individualized instruction programs on a large scale and to immediately organize a comprehensive program of individualized instruction based upon performance criteria in a major urban school district. Such a comprehensive program shall:

(a) Address the range of socioeconomic-educational problems of urban school children which will be faced by other urban school districts which may desire to develop individualized instruction programs.

(b) Convert the entire curriculum for kindergarten through 12th grade and articulate the curriculum with a community college.

(c) Fully integrate vocational education with the regular curriculum in order to acquaint students with a variety of career alternatives and to provide them with flexible opportunities to acquire the combination of vocational and academic skills required for their individual educational and career objectives.

(d) Draw together existing experience, techniques, and material in the field of individualized instruction, and produce an increased fund of economically reproducible instructional resources to accelerate large-scale conversion of schools in other school districts of the state.

(e) Provide a careful evaluation of the effectiveness of individualized instruction and the problems of conversion, including teacher training, curriculum design and production, integration of vocational education with the regular coursework, and plant utilization. Such an evaluation will help other school districts avoid pitfalls and unnecessary expenditures and permit their programs of individualized instruction to be developed with maximum efficiency and effectiveness.

(f) Provide a major opportunity to design and test the criteria and tools for measuring educational performance. Such an opportunity shall contribute essential information and experience to efforts to set goals and measure performance in all the schools of this state.

(g) Provide the Governor and the Legislature with more precise information on the fiscal requirements for converting schools in this state to programs of individualized instruction.

8075.5. As used in this article "individualized instruction based upon performance criteria" means an educational method in which (a) aptitudes, interests, motivations, and other characteristics of each student play a major role in the selection of educational objectives and the determination of the sequence of study and choice of materials and procedures; (b) the time spent by each student in a given subject area is determined by his performance; and (c) the progress of each student is measured by comparing his performance with a specific objective, rather than with the performance of other students.

8076. The Legislature further finds and declares that funds are needed to convert the regular curriculum to individualized instruction and integration of vocational education and that once such conversion and integration have been accomplished, such program shall operate on the funds regularly available to the school districts.

8077. The State Board of Education shall establish application procedures and select a school district to undertake an individualized instruction program pursuant to this article. The specific goal of the individualized instruction program authorized by this article shall be to convert at least one high school and the network of elementary and junior high schools which provide students to that high school to a program of individualized instruction based upon performance criteria, including the full integration of vocational education with the

regular coursework, and to articulate this program with a junior college. In authorizing this program, the Legislature recognizes that conversion of the entire network of schools may require incremental development beginning, for example, with a high school, one junior high school, and one elementary school.

8078. In selecting a school district to undertake an individualized instruction program pursuant to this article, the board shall use the following criteria:

(a) The school district shall be a large urban unified district, which had an average daily attendance of not less than 30,000 for the school year 1967–1968, and which has an agreement with a junior college to articulate their curricula.

(b) The high school and network of junior high and elementary schools shall be representative of the range of socio-economic-educational problems faced by urban schools.

(c) The local board of education and administrators of the school district and the administrators and teachers of the schools to be involved shall be strongly committed to the goals of the individualized instruction program.

(d) The individualized instruction program shall be carried out with maximum participation of the teachers and administrators of the individual schools and with substantial flexibility for each school to establish its own program within the framework of general goals and requirements for the overall program within the school district.

(e) The school district shall have a plan for community involvement with the program, including students, parents, and representatives of business, industry, organized labor, community and civic organizations, and the general public.

(f) The cost experience of the individualized instruction program and the instructional technology used in the school district shall be readily transferable to other schools in the state.

(g) The schools selected by the district to participate in the program shall receive entitlement equivalent to the total amount of resources from state, local and federal funds which would otherwise be provided the schools under the district's current budgeting procedures.

(h) The instructional program shall include the full integration of vocational education with the regular curriculum and shall acquaint students in all grades with career alternatives and the relevancy of the school curricula to achieving career objectives.

(i) The school district shall have a written statement adopted by the local board of education setting forth the goals, and to the extent feasible, the measurable objectives of education in the district.

8079. In selecting the school district to undertake the individualized instruction program pursuant to this article, the State Board of Education shall conduct a thorough field review in order to make independent judgments of the suita-

bility of a district to participate in the program. The field review shall include a rating of the levels of commitment of the teachers and administrators to the individualized instruction program set forth in this article.

8080. The district selected to undertake the program authorized by this article shall have complete responsibility for the program's progress and success. The staff of the State Department of Education shall serve as a resource team that shall provide technical assistance and advice to the school district.

8081. The State Board of Education may waive any provision of the Education Code, with the exception of Articles 4 (commencing with Section 15451) and 5 (commencing with Section 15501) of Chapter 2 of Division 11, which it deems is necessary to waive to assure the success of the program authorized by this article.

8082. The district selected pursuant to this article shall, at the inception of the program, design an evaluation system for the program and shall submit an evaluative report to the Governor, the Legislature, and State Board of Education annually following each year of program operation for three years.

The district may seek the advice of the Joint Committee on Goals and Evaluation in designing the evaluation system.

The evaluation system shall be based upon the set of goals and objectives established by the school district and the evaluation system shall compare the effectiveness of the schools funded under this article against the other schools in the district striving for the same set of goals and objectives. The evaluation system shall include, but need not be limited to:

(a) Measuring the relative success of students in defining and achieving their individual educational and career objectives.

(b) Measuring changes in student performance, student attendance, student attitudes toward school, community support of the schools, and teacher morale.

(c) Measuring the costs of converting to the individualized instruction program and any differences between the newly developed program of individualized instruction and the prior educational program. One purpose of the cost measurements shall be to provide the Governor and the Legislature with more precise information on the fiscal requirements for converting other public schools in this state to individualized instruction programs.

8082.1. District evaluation and reporting requirements required by this article shall not supersede other legal requirements.

It is the intent of the Legislature, however, that the State Board of Education and the Department of Education make every effort to use the evaluation and reporting requirements under this article in fulfilling any other legal requirements in

order to minimize the administrative burdens on the school district.

8082.2. The Legislative Analyst shall:

(a) Review the quality of the evaluation system designed in accordance with Section 8082 and report to the Legislature on the outcome of such review.

(b) Analyze the problems of converting the curriculum to individualized instruction, including, but not limited to, teacher training, curriculum design and production, the integration of vocational education with the regular coursework, and plant utilization.

(c) Analyze the problems of basing the curriculum or performance criteria, including setting goals, designing measurement criteria, and measuring performance.

(d) Analyze the transferability of components of the individualized instruction program curriculum to other school districts which may desire to convert to programs of individualized instruction.

(e) Analyze the waiver of any provision of the Education Code that was requested by the school district and granted by the State Board of Education to determine if statutory or constitutional changes are necessary to encourage and assure success of conversion of other districts to individualized instruction.

(f) Carry out such other analytical tasks as he may deem appropriate.

8083. The Legislative Analyst shall file a final report on his evaluative findings with the Governor, the Legislature, and the State Board of Education not later than the fifth calendar day of the regular session of the Legislature following four years of operation of the individualized instruction program authorized by this article.

8084. In order to provide this state with a long-term program for educational conversion, the Department of Education shall develop a plan to systematically individualize instruction in the schools of this state and to integrate vocational education with the regular curriculum. The plan shall:

(a) Be submitted on or before September 15, 1972, to the Joint Legislative Budget Committee, the Chairman of the Senate Committee on Education, and the Chairman of the Assembly Committee on Education to allow for the legislative policy committees to hold public hearings and carry out such other activities as may be necessary to develop legislative proposals.

(b) Specify the fiscal requirements for the school conversion effort and the support of such schools following conversion to individualized instruction and integration of vocational education. In determining such requirements, the department shall prescribe the role, if any, which funds from at least the following sources shall play:

(1) The Elementary Secondary Education Act.

(2) The National Defense Education Act.

(3) The Economic Opportunity Act.

(4) The Vocational Education Act; and,
(5) The Miller-Unruh Basic Reading Act.

(c) Specify criteria for selection of school districts, including, but not be limited to, the criteria set forth in subdivisions (c), (d), (e), (g), and (h) of Section 8078. Such criteria shall also indicate that the next schools to participate in the conversion program shall each reflect distinctly different educational environments such as a high concentration of racial or ethnic minority students, a significant percentage of bilingual or non-English-speaking students, or very low assessed valuation per average daily attendance.

(d) Present a design for a long-term evaluation of the success and progress of the conversion program.

(e) Outline the requirements for technical assistance to school districts in the conversion program, including a description of the most effective involvement of the staff of the State Department of Education.

(f) Specify changes needed in the state textbook policy to assist the conversion program.

(g) Set forth such other information as the department may deem necessary.

SEC. 2. There is hereby appropriated from the General Fund to the State Board of Education the following sums for expenditures to carry out the provisions of Article 3 (commencing with Section 8075) of Chapter 2 of Division 7 of the Education Code.

(a) For fiscal year 1971: thirty-five thousand dollars ($35,000).

(b) For fiscal year 1972: forty thousand dollars ($40,000).

SEC. 3. From funds made available to it under the Federal Vocational Education Act of 1963, as amended, and under the Elementary and Secondary Education Act of 1965, as amended, the State Board of Education shall provide to the school district selected pursuant to the provisions of this act: for fiscal year 1971, forty-two thousand dollars ($42,000); for fiscal year 1972, four hundred fifty-six thousand dollars ($456,000); for fiscal year 1973, six hundred thousand dollars ($600,000); for fiscal year 1974, one hundred seventy thousand dollars ($170,000).

CHAPTER 1252

An act to amend Sections 5902, 9801, and 9803 of the Vehicle Code, relating to vehicles.

[Approved by Governor September 16, 1970. Filed with Secretary of State September 16, 1970.]

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

SECTION 1. Section 5902 of the Vehicle Code is amended to read:

5902. (a) Whenever any person has received as transferee a properly endorsed certificate of ownership and the registration card of the vehicle described in the certificate and card, he shall within 10 days thereafter forward the certificate and card with the proper transfer fee to the department and thereby make application for a transfer of registration.

(b) Whenever any person applies for transfer of registration on a certificate of ownership issued for the year of last registration the registration card need not be surrendered.

(c) Every application for transfer of a vehicle purchased from any person other than a vehicle manufacturer or dealer holding a license and certificate issued pursuant to Chapter 4 (commencing with Section 11700) of Division 5 shall be accompanied by a certified statement from the transferee stating the name and address of the person from whom he acquired the vehicle.

SEC. 2. Section 9801 of the Vehicle Code is amended to read:

9801. (a) The department shall collect the fee, or any penalty, or both, plus costs, not exceeding fifty dollars ($50), incurred by the department arising from the preparation for the seizure of the vehicle by due notice or by seizure of the vehicle from the person or persons in possession thereof, if any, and by the sale of such vehicle if fees and costs are not paid upon notice to pay all fees due and herein provided for except as otherwise provided.

(b) When a lien for the fee, or any penalty, or both, exists against more than one vehicle in possession of the same person or persons, the department may seize and sell a sufficient number of the vehicles to pay the fees, or penalties, or both, plus costs, not exceeding fifty dollars ($50) for each vehicle incident to such seizure, against all such vehicles.

(c) When the lien for the fee, or any penalty, or both, exists on a vehicle sold by a dealer, the department may withhold seizure and sale of the vehicle pending notification of the selling dealer and his bonding company of the dealer's liability under Section 4456 and pursuant to the bond provided in Section 11710. The department may proceed with seizure and sale of the vehicle if the fee and any penalty is not paid within 30 days after due and proper notice to the dealer and his bonding company.

(d) The Department of the California Highway Patrol shall assist with the seizure and impounding of such vehicle.

SEC. 3. Section 9803 of the Vehicle Code is amended to read:

9803. At any time before the sale any legal owner so notified may pay the department the full amount of the delinquent fee and penalty, plus any costs incurred by the department in arranging for the sale, in which event the sale shall not be held and the vehicle seized shall be returned by the department to the person entitled to its possession.

CHAPTER 1253

An act to add Section 62707.2 to the Agricultural Code, relating to milk pooling.

[Approved by Governor September 16, 1970. Filed with Secretary of State September 16, 1970.]

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

SECTION 1. Section 62707.2 is added to the Agricultural Code, to read:

62707.2. A person eligible for, but not yet assigned, a production base or pool quota, or both, pursuant to Section 62707 shall not be eligible for such a production base or pool quota, or both, unless he applies for such a production base or pool quota, or both, prior to January 1, 1971.

CHAPTER 1254

An act to add Section 38902 to the Government Code, relating to city sewer systems.

[Approved by Governor September 16, 1970. Filed with Secretary of State September 16, 1970.]

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

SECTION 1. Section 38902 is added to the Government Code, to read:

38902. A city may fix an annual sewer service standby or immediate availability charge to be applied on an area or frontage or parcel basis, or a combination thereof, within the city to be charged to such areas to which sewer service is made available for any purpose by the city, whether the sewer service is actually used or not. The city may establish schedules varying such charge according to the land uses and the degree of availability or quantity of use of such sewer service to the affected lands, and may restrict such charge to lands lying within one or more zones or areas of benefits established within such city.

The city may collect the standby or availability charge by billing the charged lands on a fiscal year basis or by other means available.

The city may collect the standby or availability charge as a part of the annual general county tax bill provided the city furnishes in writing to the board of supervisors and to the county auditor the description of each parcel for which a charge is to be billed together with the amount of the charge applicable to each parcel in sufficient time to meet the schedule established by the county for inclusion of such items on the county general tax bill. The parcel description may be the parcel number assigned by the county assessor to the

parcel. In such case, the standby or availability charge shall become a lien against the parcel of land to which it is charged in the same manner as the county general taxes. Penalties may be collected for late payment of the standby or availability charge or the amount thereof unpaid in the manner and at the same rates as that applicable for late payment or the amount thereof unpaid of county general taxes.

If the city collects standby charges through the county general tax bill, the amount of the standby charge and any applicable penalty shall be stated on the tax bill separately from all other taxes, if practicable.

CHAPTER 1255

An act to amend Section 1043 of the Penal Code, relating to criminal trials.

[Approved by Governor September 16, 1970. Filed with Secretary of State September 16, 1970.]

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

SECTION 1. Section 1043 of the Penal Code is amended to read:

1043. (a) Except as otherwise provided in this section, the defendant in a felony case shall be personally present at the trial.

(b) The absence of the defendant in a felony case after the trial has commenced in his presence shall not prevent continuing the trial to, and including, the return of the verdict in any of the following cases:

(1) Any case in which the defendant, after he has been warned by the judge that he will be removed if he continues his disruptive behavior, nevertheless insists on conducting himself in a manner so disorderly, disruptive, and disrespectful of the court that the trial cannot be carried on with him in the courtroom.

(2) Any prosecution for an offense which is not punishable by death in which the defendant is voluntarily absent.

(c) Any defendant who is absent from a trial pursuant to paragraph (1) of subdivision (b) may reclaim his right to be present at the trial as soon as he is willing to conduct himself consistently with the decorum and respect inherent in the concept of courts and judicial proceedings.

(d) Subdivisions (a) and (b) shall not limit the right of a defendant to waive his right to be present in accordance with Section 977.

(e) If the defendant in a misdemeanor case fails to appear in person at the time set for trial or during the course of trial, the court may, in its discretion, do any one or more of the following, as it deems appropriate:

(1) Proceed with the trial upon a finding that the defendant absented himself with full knowledge that the trial is to be held or is being held.

(2) Continue the matter.

(3) Order bail forfeited or revoke release on the defendant's own recognizance.

(4) Issue a bench warrant.

CHAPTER 1256

An act to add Section 5206.1 to the Education Code, relating to holidays and observances in public schools.

[Approved by Governor September 16, 1970. Filed with Secretary of State September 16, 1970.]

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

SECTION 1. Section 5206.1 is added to the Education Code, to read:

5206.1. March 5th of each year, the anniversary of the death of Crispus Attucks, the first black American martyr of the Boston Massacre, is designated and set apart as Black American Day to direct attention to the development of black people in the United States of America.

All public schools and educational institutions shall observe this day with suitable exercises.

CHAPTER 1257

An act to amend Sections 8170, as added by Chapter 172 of the Statutes of 1970, and 8190 of, and to add Sections 8173 and 8194.5 to, the Government Code, relating to the Governor's Mansion.

[Approved by Governor September 16, 1970. Filed with Secretary of State September 16, 1970.]

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

SECTION 1. Section 8170 of the Government Code, as added by Chapter 172 of the Statutes of 1970, is amended to read:

8170. The site of the Governor's Mansion is hereby designated as all that certain real property situate, lying and being in the County of Sacramento, State of California, particularly described as follows:

Parcel No. 1. Lot 210, as shown on the official "Plat of Carmichael Colony," recorded in the office of the County Recorder of Sacramento County, on March 11, 1910, in Book 10 of Maps, Map No. 9.

Parcel No. 2. All that portion of Lot 209, as shown on the official "Plat of Carmichael Colony," recorded in the office of the County Recorder of Sacramento County on March 11, 1910 in Book 10 of Maps, Map No. 9, described as follows:

Beginning at a point on the Southwesterly line of said lot, from which the Southwesterly corner of said lot bears North 63°22' West 387.52 feet; thence from said point of beginning South 65°50'50" East 294.31 feet to a point on the Southeasterly line of said lot; thence along said Southeasterly line, South 65°25'20" West, 16.30 feet to the Southwesterly line of said lot; thence along said Southwesterly line, North 63°22' West 283.85 feet to the point of beginning.

Parcel No. 3. All that portion of land shown and designated "Charles Deterding and Mary Deterding, a single woman" on that certain Record of Survey entitled "Deterding Ranch being a portion of San Juan Meadows," recorded in the office of the County Recorder of Sacramento County on December 13, 1961 in Book 18 of Surveys, at page 29, and being described as follows:

Beginning at the most Southerly corner of Lot 12, as said lot is shown on the official "Plat of Walnut Heights," recorded in the office of the County Recorder of Sacramento County, in Book 26 of Maps, Map No. 25, said point of beginning also being the most Westerly corner of that certain parcel of land conveyed to the County of Sacramento by deed recorded August 26, 1966 in Book 66-08-24, page 386, Official Records; thence from said point of beginning, along the Westerly line of said Sacramento County's land, South 19°02'54" East 248.66 feet; thence South 37°32'23" West 711.46 feet to a point on the centerline of the American River, as shown on said record of survey; thence along said centerline, North 63°17'47" West to a point from which the most Southerly corner of Lot 210, as said lot is shown on the official "Plat of Carmichael Colony," recorded in the office of the County Recorder of Sacramento County, in Book 10 of Maps, Map No. 9, bears North 8°46' East; thence North 8°46' East to said Southerly corner of Lot 210; thence along the Southeasterly line of said Lot 210 and Lot 209 of said Carmichael Colony, the following five (5) courses and distances: (1) North 77°45' East 76.00 feet, (2) North 47°30' East 178 feet, (3) North 45°20' East 396 20 feet, (4) North 46°50' East 107.50 feet to the most Easterly corner of said Lot 210, and (5) North 65°25'20" East 16.30 feet to the point of beginning.

SEC. 2. Section 8190 of the Government Code is amended to read:

8190. The site of the Governor's Mansion is hereby designated as all of that certain real property situate, lying and being in the County of Sacramento, State of California, particularly described as follows:

Parcel No. 1. Lot 210, as shown on the official "Plat of Carmichael Colony," recorded in the office of the County Re-

corder of Sacramento County, on March 11, 1910, in Book 10 of Maps, Map No. 9.

Parcel No. 2. All that portion of Lot 209, as shown on the official "Plat of Carmichael Colony," recorded in the office of the County Recorder of Sacramento County on March 11, 1910 in Book 10 of Maps, Map No. 9, described as follows:

Beginning at a point on the Southwesterly line of said lot, from which the Southwesterly corner of said lot bears North 63°22′ West 387.52 feet; thence from said point of beginning South 65°50′50″ East 294.31 feet to a point on the Southeasterly line of said lot; thence along said Southeasterly line, South 65°25′20″ West, 16 30 feet to the Southwesterly line of said lot; thence along said Southwesterly line, North 63°22′ West 283.85 feet to the point of beginning.

Parcel No. 3. All that portion of land shown and designated "Charles Deterding and Mary Deterding, a single woman" on that certain Record of Survey entitled "Deterding Ranch being a portion of San Juan Meadows," recorded in the office of the County Recorder of Sacramento County on December 13, 1961 in Book 18 of Surveys, at page 29, and being described as follows:

Beginning at the most Southerly corner of Lot 12, as said lot is shown on the official "Plat of Walnut Heights," recorded in the office of the County Recorder of Sacramento County, in Book 26 of Maps, Map No. 25, said point of beginning also being the most Westerly corner of that certain parcel of land conveyed to the County of Sacramento by deed recorded August 26, 1966 in Book 66-08-24, page 386, Official Records; thence from said point of beginning, along the Westerly line of said Sacramento County's land, South 19°02′54″ East 248.66 feet; thence South 37°32′23″ West 711.46 feet to a point on the centerline of the American River, as shown on said record of survey; thence along said centerline, North 63°17′47″ West to a point from which the most Southerly corner of Lot 210, as said lot is shown on the official "Plat of Carmichael Colony," recorded in the office of the County Recorder of Sacramento County, in Book 10 of Maps, Map No. 9, bears North 8°46′ East; thence North 8°46′ East to said Southerly corner of Lot 210; thence along the Southeasterly line of said Lot 210 and Lot 209 of said Carmichael Colony, the following five (5) courses and distances: (1) North 77°45′ East 76.00 feet, (2) North 47°30′ East 178 feet, (3) North 45°20′ East 396.20 feet, (4) North 46°50′ East 107.50 feet to the most Easterly corner of said Lot 210, and (5) North 65°25′20″ East 16.30 feet to the point of beginning.

SEC. 3. Section 8173 is added to the Government Code, to read:

8173. The Governor's Mansion provided for by this article shall be used for a residence of the Governor and for no other purpose.

SEC. 4. Section 8194.5 is added to the Government Code, to read:

8194.5. The Governor's Mansion provided for by this article shall be used for a residence of the Governor and for no other purpose.

SEC. 5. Sections 1 and 3 of this act shall become effective only if Assembly Bill No. 624 of the 1970 Regular Session incorporating the statutory changes necessitated by Governor's Reorganization Plan No. 1 of 1969 becomes effective in which case Sections 2 and 4 of this act are repealed.

CHAPTER 1258

An act to amend Sections 7332, 7333, 7342, 7345, 7351, 7371, 7373, 7382, 7394, 7394.1, 7396.6, 7411, 7412, 7413, 7425, 7437, 7443, and 7444 of, to add Sections 7332.5, 7392.2, 7393, and 7393.5 to, and to repeal Sections 7374, 7393, 7393.5, 7430, and 7437.4 of, the Business and Professions Code, relating to cosmetology.

[Approved by Governor September 16, 1970. Filed with Secretary of State September 16, 1970.]

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

SECTION 1. Section 7332 of the Business and Professions Code is amended to read:

7332. The board shall admit to examination for a certificate of registration and license as a cosmetologist any person who has made application to the board in proper form, paid the fee required by this chapter, and who is qualified as follows:

(a) Who is not less than 18 years of age.

(b) Who is of good moral character and temperate habits.

(c) Who has completed the 10th grade in the public schools of this state or its equivalent.

(d) Who has had any one of the following:

(1) Training of at least 1,600 hours, in a school of cosmetology approved by the board.

(2) Practice of the occupation of a cosmetologist, for a period of four years outside of this state. Each three months of such practice shall be deemed the equivalent of 100 hours of training for qualification under paragraph (1) of this subdivision.

(3) Service for at least two years as a licensed junior operator in a licensed cosmetological establishment in which all of the occupations of a cosmetologist are practiced.

SEC. 2. Section 7332.5 is added to the Business and Professions Code, to read:

7332.5. The board shall admit to examination for a certificate of registration and license as a cosmetology instructor any person who has made application to the board in proper form, has paid the fee required by this chapter, and is qualified as follows:

(a) Has had at least 600 hours of teacher training in an approved school in this state or equivalent training in another state, or one year of practical experience in all branches of cosmetology, except the branch of electrology, in a licensed cosmetological establishment in this state or equivalent experience in another state.

(b) Is of good moral character and temperate habits.

(c) Holds a valid California license as a cosmetologist.

(d) Is not less than 21 years of age.

SEC. 3. Section 7333 of the Business and Professions Code is amended to read:

7333. Every person applying to the board for a license as a junior operator upon the proper application form accompanied by two photographs, size 3 by 3 inches, and paying the fee required by this chapter, shall be issued a license as a junior operator, if he is qualified as follows:

(a) Is of good moral character and temperate habits.

(b) Is over the age of 16 years.

(c) Has completed the 10th grade in the public schools of this state or its equivalent.

Every junior operator shall take the next succeeding examination following the completion of his two-year period of required service, unless the board permits a waiver for good cause. If he fails such examination and wishes to take a second examination, he shall do so within one year after issuance of the results of the first examination. If he fails the second examination he shall not be eligible for further examination until he has completed in a school of cosmetology approved by the board a course of training of not less than 50 hours for each subject in which a passing grade was not received.

SEC. 4. Section 7342 of the Business and Professions Code is amended to read:

7342. The board shall admit to examination for a certificate of registration and license as an electrologist, any person who has made application to the board in proper form, paid the fee required by this chapter, and who is qualified as follows:

(a) Who is not less than 18 years of age.

(b) Who is of good moral character and temperate habits.

(c) Who has completed the 12th grade, or an accredited senior high school, in public schools of this state or its equivalent.

(d) Who has had any one of the following:

(1) Practical training of 500 hours in a licensed school in which the practice is taught.

(2) Instruction, training and practice as a junior electrologist for a period of not less than 12 months, in a licensed cosmetological establishment, under a licensed electrologist.

(3) Holds a valid electrology license issued by a state whose licensing requirements are equal to or greater than California.

(4) Either training or practice, or a combination of training and practice, outside of this state in electrology for such period as may be specified by rules of the board.

SEC. 5. Section 7345 of the Business and Professions Code is amended to read:

7345. Every junior electrologist shall take the next succeeding examination following the completion of his one-year period of required service unless the board permits a waiver for good cause. If he fails such examination and wishes to take a second examination he shall do so within one year after the issuance of the results of the first examination. If he fails the second examination he shall not be eligible for further examination until he has completed a course of training of 75 hours in a school approved by the board in which the practice is taught.

SEC. 6. Section 7351 of the Business and Professions Code is amended to read:

7351. The board shall admit to examination for a certificate of registration and license as a manicurist, any person who has made application to the board in proper form, paid the fee required by this chapter, and who is qualified as follows:

(a) Who is not less than 18 years of age.

(b) Who is of good moral character and temperate habits.

(c) Who has completed the 10th grade in the public schools of this state or its equivalent.

(d) Who has had any one of the following:

(1) Practical training of at least 350 hours in a licensed school in which the practice is taught.

(2) Practice in manicuring for a period of one year outside of this state.

SEC. 7. Section 7371 of the Business and Professions Code is amended to read:

7371. The examination of applicants for a license in any of the branches or practices of cosmetology shall include both a practical demonstration and a test and shall embrace the subjects concerning the particular branch or branches, practice or practices for which a certificate of registration and license is applied.

The examination shall not be confined to any special system or method. It shall be consistent in both practical and technical requirements, and of sufficient thoroughness to satisfy the board as to the applicant's skill in, and knowledge of, the practice of the occupation or occupations for which a license is sought.

In the conduct of examinations, practical demonstrations shall prevail over written tests, that is a greater number of credits shall be allowed on practical demonstrations than on written tests.

SEC. 8. Section 7373 of the Business and Professions Code is amended to read:

7373. Every applicant for a license as a cosmetologist, electrologist, manicurist, cosmetology instructor, or electrology instructor satisfactorily passing the examination provided by the board to determine his fitness to engage in the practice of the occupation for which the license is sought shall receive

from the board a certificate of registration and license which entitles the holder to engage in the practice of such occupation in a licensed cosmetological establishment or school, as the case may be.

SEC. 9. Section 7374 of the Business and Professions Code is repealed.

SEC. 11. Section 7382 of the Business and Professions Code is amended to read:

7382. A cosmetological establishment shall, at all times, be in charge of a licensed cosmetologist, except that if the operations within the establishment are limited to the practice of electrology, such establishment may, at all times, be in charge of a licensed electrologist, and if the operations within the establishment are limited to the practice of manicuring, such establishment may, at all times, be in charge of a licensed manicurist.

SEC. 12. Section 7392.2 is added to the Business and Professions Code, to read:

7392.2. Every school of cosmetology shall, at all times, be in charge of and under the immediate supervision of a licensed cosmetology instructor, who has had at least a total of two years of continuous teaching experience in all branches of cosmetology, except electrology, in a licensed school in this state, after being duly licensed as an instructor under this chapter. Any person who within the five-year period immediately prior to September 17, 1965, has been registered with the board as a supervising instructor, shall be deemed to have the teaching experience required by this section.

Every person who instructs students in a school of cosmetology shall hold a valid California cosmetology instructor license.

All instructors shall be continuously engaged in teaching students in theoretical or practical work. Except when instructing a student and the student is doing the manual work, no instructor may practice upon a patron and any instructor who does so is subject to disciplinary action by the board.

SEC. 13. Section 7393 of the Business and Professions Code is repealed.

SEC. 14. Section 7393 is added to the Business and Professions Code, to read:

7393. Before any school of cosmetology license shall be finally granted, a second inspection shall be made after the equipment has been installed and before the school is permitted to begin operation.

No applicant shall be granted a license to operate a school of cosmetology unless, in the opinion of the board, sufficient equipment has been installed for the requirements of enrolling a minimum of 25 bona fide students. No applicant shall be granted a license to operate a school of cosmetology or electrology unless the proposed school has such floor space and equipment as the board may prescribe by regulation as being

reasonably necessary to provide a proper place for instruction and training.

No school of cosmetology shall be licensed until the board has had ample opportunity to verify sworn statements as to the actual ownership. If false statements are submitted to the board in connection with such application, this in itself shall constitute sufficient grounds for the refusal to grant any application hereunder, or if an application is granted and thereafter the board discovers that false statements were made in connection therewith, this shall constitute sufficient grounds for the cancellation of such school of cosmetology license even though it is detected after a license has been issued.

The board may deny a school of cosmetology license to any applicant who fails to present satisfactory evidence of personal integrity and moral responsibility, and in the event that such applicant is a corporation, this requirement shall apply to all the officers of such corporation. No school of cosmetology license, however, shall be issued until the real owner files with the department a statement definitely designating who is authorized to accept service of notice from the board and to transact all business negotiations in behalf of such school, including answers to citations for hearing, and compliance with rulings issued by the board.

SEC. 15. Section 7393.5 is added to the Business and Professions Code, to read:

7393.5. No school of cosmetology shall advertise services to the public through any medium, including radio, unless such services are expressly designated as student work.

SEC. 16. Section 7393.5 of the Business and Professions Code is repealed.

SEC. 17. Section 7394 of the Business and Professions Code is amended to read:

7394. Every school of cosmetology shall maintain a school term of not less than 1,600 hours and shall maintain a course of practical training and technical instruction, equal to the requirements for examination for a certificate of registration and license as a cosmetologist.

It shall include in its curriculum a course of shop deportment consisting of instruction in courtesy, neatness and professional attitude in meeting the public.

It shall so arrange the courses devoted to each branch or practice of cosmetology as the board may from time to time adopt as the course to be followed by the schools.

SEC. 18. Section 7394.1 of the Business and Professions Code is amended to read:

7394.1. An electrology course established by a school of cosmetology or by a school of electrology shall consist of 500 hours of practical training and technical instruction in accordance with a curriculum established by board regulation.

SEC. 19. Section 7396.6 of the Business and Professions Code is amended to read:

7396.6. No applicant shall be granted a license to operate a school of cosmetology or a school of electrology unless he shall submit evidence satisfactory to the board of his financial ability to provide the facilities and equipment required by board regulation and to maintain the operation of the proposed school for a period of one year.

SEC. 20. Section 7411 of the Business and Professions Code is amended to read:

7411. Every licensee shall display the license in a conspicuous place in his place of business or place of employment.

SEC. 21. Section 7412 of the Business and Professions Code is amended to read:

7412. Every registered cosmetologist, junior operator, electrologist, junior electrologist, manicurist instructor, and electrology instructor, shall, within 30 days after changing his address, as designated on the books of the board, notify the secretary of his new address, and, upon receipt of the notification, the secretary shall make the necessary changes in the register.

SEC. 22. Section 7413 of the Business and Professions Code is amended to read:

7413. A duplicate license shall be issued upon the filing of a statement explaining the loss verified by the oath of the applicant, and accompanied by a fee of two dollars ($2). Each duplicate license shall have the word "DUPLICATE" stamped across its face and bear the same date and show the number of the original license.

SEC. 23. Section 7425 of the Business and Professions Code is amended to read:

7425. The board may revoke or suspend at any time any license required by the provisions of this chapter on any of the grounds for disciplinary action 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 board shall have all the powers granted therein.

SEC. 24. Section 7430 of the Business and Professions Code is repealed.

SEC. 25. Section 7437 of the Business and Professions Code is amended to read:

7437. Except as otherwise provided in this article, a license of a cosmetologist, instructor, electrologist, manicurist, or cosmetological establishment which has expired for failure of the licensee to renew within the time fixed by Section 7436 may be renewed within five years of the date of expiration upon application therefor and upon payment of the renewal fee in effect on the last preceding regular renewal date. If the license is renewed more than 30 days after its expiration, the licensee, as a condition precedent to renewal, shall also pay the delinquency fee prescribed by this chapter. Renewal under this section shall be effective on the date on which the application is filed, on the date on which the renewal fee is paid, or on the

date on which the delinquency fee, if any, is paid, whichever last occurs. If so renewed, the license shall continue in effect through the date provided in Section 7436 which next occurs after the effective date of the renewal, when it shall expire if it is not again renewed.

The provisions of this article as amended by the Legislature at its 1961 Regular Session govern the renewal after September 30, 1961, and the fees payable therefor, of licenses which expired under the law in effect before October 1, 1961, as well as licenses which expire thereafter.

SEC. 26. Section 7437.4 of the Business and Professions Code is repealed.

SEC. 27. Section 7443 of the Business and Professions Code is amended to read:

7443. The amount of the fees required by this chapter relating to licenses as an instructor of cosmetology or electrology is that fixed by the following schedule:

(a) The fee for the cosmetology instructor's examination shall be set by the board annually at not more than twenty-five dollars ($25).

(b) The fee for an electrology instructor's examination shall be set by the board annually at not more than twenty dollars ($20).

(c) The renewal fee shall be set by the board at not more than ten dollars ($10).

(d) The delinquency fee is five dollars ($5).

SEC. 28. Section 7444 of the Business and Professions Code is amended to read:

7444. The amount of the fees payable under this chapter relating to licenses to operate a cosmetological establishment is as follows:

(a) The registration fee is an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the license is issued, except that, if the license will expire less than one year after its issuance, 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 license is issued. The board may, by appropriate regulation, provide for the waiver or refund of the initial license fee where the license is issued less than 45 days before the date on which it will expire.

(b) The renewal fee shall be set by the board at not more than ten dollars ($10).

(c) The delinquency fee is five dollars ($5).

SEC. 29. Section 7413 of the Business and Professions Code is amended to read:

7413. A duplicate license shall be issued upon the filing of a statement explaining the loss verified by the oath of the applicant, and accompanied by a fee of two dollars ($2).

SEC. 30. It is the intent of the Legislature that if the Governor's Reorganization Plan No. 2 of 1970 becomes effective, the changes in Section 7413 of the Business and Profes-

sions Code necessary to reflect the plan as set forth in the proposed bill prepared by the Legislative Counsel pursuant to Section 8523 of the Government Code, shall be given effect and incorporated in Section 7413 as set forth in Section 29 of this act. Therefore, in the event the Governor's Reorganization Plan No. 2 of 1970 becomes effective, Section 29 of this act shall become operative, Section 7413 of the Business and Professions Code as amended by Section 22 of this act shall not take effect, and any conflicting provisions of the Governor's Reorganization Plan No. 2 inconsistent with Section 29 of this act are repealed.

CHAPTER 1259

An act to amend Section 8016 of the Business and Professions Code, relating to shorthand reporters.

[Approved by Governor September 16, 1970. Filed with Secretary of State September 16, 1970.]

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

SECTION 1. Section 8016 of the Business and Professions Code is amended to read:

8016. No person shall engage in the practice of shorthand reporting as defined in this chapter, unless such person is the holder of a certificate in full force and effect issued by the board. This section does not apply to a salaried, full-time employee of a district attorney or of any department or agency of the state who is employed as a hearing reporter. Nothing in this chapter shall be construed to prohibit the employment of any shorthand reporter not holding a certificate until a certified shorthand reporter is available. Oral depositions, however, may be reported by a person not certified under this chapter only if the noncertified reporter delivers to the parties or their counsel present at the deposition, at the commencement of the deposition, an affidavit that no certified shorthand reporter is then available, or upon stipulation on the record, at the commencement of the deposition, by the parties or their counsel present at the deposition.

CHAPTER 1260

An act to amend Section 204 of the Labor Code, relating to the payment of wages.

[Approved by Governor September 16, 1970. Filed with Secretary of State September 16, 1970.]

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

SECTION 1. Section 204 of the Labor Code is amended to read:

204. All wages, other than those mentioned in Section 201, 202 or 204.1, earned by any person in any employment are

due and payable twice during each calendar month, on days designated in advance by the employer as the regular paydays. Labor performed between the 1st and 15th days, inclusive, of any calendar month shall be paid for between the 16th and the 26th day of the month during which the labor was performed, and labor performed between the 16th and the last day, inclusive, of any calendar month, shall be paid for between the 1st and 10th day of the following month; provided, however, that wages of executive, administrative, and professional employees as defined in Section 13(a)(1) of the Fair Labor Standards Act, as amended through March 1, 1969, may be paid once a month on or before the 26th day of the month during which the labor was performed if the entire month's wages, including the unearned portion between the date of payment and the last day of the month, are paid at that time.

The requirements of this section shall be deemed satisfied by the payment of wages for weekly or biweekly payroll if such wages are paid not more than seven calendar days following the close of the payroll period.

SEC. 2. Section 204 of the Labor Code is amended to read:

204. All wages, other than those mentioned in Section 201, 202, 204.1, or 204.2, earned by any person in any employment are due and payable twice during each calendar month, on days designated in advance by the employer as the regular paydays. Labor performed between the 1st and 15th days, inclusive, of any calendar month shall be paid for between the 16th and the 26th day of the month during which the labor was performed, and labor performed between the 16th and the last day, inclusive, of any calendar month, shall be paid for between the 1st and 10th day of the following month; provided, however, that salaries of executive, administrative, and professional employees of employers covered by the Fair Labor Standards Act, as set forth pursuant to Section 13(a)(1) of the Fair Labor Standards Act, as amended through March 1, 1969, in Part 541 of Title 29 of the Code of Federal Regulations, as that part now reads or may be amended to read at any time hereafter, may be paid once a month on or before the 26th day of the month during which the labor was performed if the entire month's salaries, including the unearned portion between the date of payment and the last day of the month, are paid at that time.

However, when such employees are covered by a collective bargaining agreement that provides different pay arrangements, those arrangements will apply to the covered employees.

The requirements of this section shall be deemed satisfied by the payment of wages for weekly or biweekly payroll if such wages are paid not more than seven calendar days following the close of the payroll period.

SEC. 3. It is the intent of the Legislature, if the amendments to Section 204 of the Labor Code proposed by both this bill and A.B. 575 are enacted, that both amendments be given effect and incorporated in Section 204 in the form set forth in Section 2 of this act. Therefore, in the event A.B. 575 is

enacted and amends Section 204, Section 2 of this act shall become operative at the same time Section 204 as amended by A.B. 575 becomes operative, and at that time, Section 204 of the Labor Code as amended by Section 1 of this act is repealed.

CHAPTER 1261

An act to amend Section 31672 of the Government Code, relating to County Employees' Retirement Law of 1937.

[Approved by Governor September 16, 1970. Filed with Secretary of State September 16, 1970.]

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

SECTION 1. Section 31672 of the Government Code is amended to read:

31672. Any member who has reached the age of 70 years or any member who has completed 10 years of continuous service and who has reached the age of 55, or any member who has completed 30 years of service regardless of age, may be retired upon filing with the board a written application, setting forth the date upon which he desires his retirement to become effective which shall be not more than 60 days after the date of filing the application. The age of 55 in the preceding sentence may be reduced to age 50 in any county by resolution of the board of supervisors.

CHAPTER 1262

An act to add Section 8045.6 to the Fish and Game Code, relating to commercial packing and processing taxes.

[Approved by Governor September 16, 1970. Filed with Secretary of State September 16, 1970.]

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

SECTION 1. Section 8045.6 is added to the Fish and Game Code, to read:

8045.6. Every person operating under a license issued pursuant to this article shall, in addition to the license fee, pay a privilege tax of one-half cent ($0.005) for each pound, or fraction thereof, of abalone purchased, received, or taken by him. The privilege tax provided by this section is in lieu of the privilege tax provided by Section 8045.5 and a person liable for the privilege tax under this section is not also liable for the privilege tax imposed by Section 8045.5 on the same abalone.

This section shall remain in effect only until July 1, 1972, and shall have no force or effect after that date.

CHAPTER 1263

An act to amend Sections 13838 and 14083 of the Education Code, relating to the State Teachers' Retirement System.

[Approved by Governor September 16, 1970. Filed with Secretary of State September 16, 1970.]

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

SECTION 1. Section 13838 of the Education Code is amended to read:

13838. "Final compensation" means the highest average annual compensation earnable by a member during any period of three consecutive years during his membership in the system or time during which he was not a member but for which he has received credit under the system, except such time as was so credited pursuant to the provisions of Sections 13999 and 14000.

For the purposes of this section, 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 is included in computation of final compensation.

If a break in service exceeded six months in duration, the first six months thereof and the compensation earnable during those six months are included in computation of final compensation, but time included in the break which is in excess of six months and the compensation earnable during such excess time shall be excluded in computation of final compensation.

With respect to members whose retirements are effective after June 30, 1956, two or more breaks in service which are separated by periods of service each of which does not exceed one-half year of credited service, shall be added together, and for the purpose of this section, the total shall be considered as one break. Time during which a member is also a member of another retirement system to which the state, a county, or the university contributes shall not be considered to be an absence for the purposes of this section, and the determination of the final compensation of such a member shall take into consideration his compensation earnable while he was a member of such other system, providing retirement under this system is concurrent with the member's retirement under the other system.

Retirement allowances, heretofore effective and based on such final compensation, are hereby validated and confirmed.

The board may specify a different final compensation with respect to benefits based on part-time service rendered prior to July 1, 1956, for which credit was given under this system under board rules in effect prior to such date.

SEC. 2. Section 14083 of the Education Code is amended to read:

14083. Any person whose contributions were refunded to him and who has received, or will qualify for the receipt of a retirement allowance from the Public Employees' Retirement System, or from the retirement system of the University of California or the Legislators' Retirement System has the right to reenter this system and to redeposit the contributions refunded to him, with regular interest, without being employed in a status requisite for membership in this system.

Such redeposit shall be in the form of a single lump sum payment.

A person who is reinstated to membership on account of this section is not entitled to receive credit for service which might otherwise be creditable under the provisions of Section 13999 relating to credit for service rendered outside the state prior to July 1, 1944.

CHAPTER 1264

An act to add Section 1211.5 to the Code of Civil Procedure, relating to contempts.

[Approved by Governor September 16, 1970. Filed with Secretary of State September 16, 1970.]

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

SECTION 1. Section 1211.5 is added to the Code of Civil Procedure, to read:

1211.5. At all stages of all proceedings, the affidavit or statement of facts, as the case may be, required by Section 1211 shall be construed, amended, and reviewed according to the followings rules:

(a) If no objection is made to the sufficiency of such affidavit or statement during the hearing on the charges contained therein, jurisdiction of the subject matter shall not depend on the averments of such affidavit or statement, but may be established by the facts found by the trial court to have been proved at such hearing, and the court shall cause the affidavit or statement to be amended to conform to proof.

(b) The court may order or permit amendment of such affidavit or statement for any defect or insufficiency at any stage of the proceedings, and the trial of the person accused of contempt shall continue as if the affidavit or statement had been originally filed as amended, unless substantial rights of such person accused would be prejudiced thereby, in which event a reasonable postponement, not longer than the ends of justice require, may be granted.

(c) No such affidavit or statement is insufficient, nor can the trial, order, judgment, or other proceeding thereon be affected by reason of any defect or imperfection in matter of form which does not prejudice a substantial right of the per-

son accused on the merits. No order or judgment of conviction of contempt shall be set aside, nor new trial granted, for any error as to any matter of pleading in such affidavit or statement, unless, after an examination of the entire cause, including the evidence, the court shall be of the opinion that the error complained of has resulted in a miscarriage of justice.

CHAPTER 1265

An act to amend Section 3103 of, and to add Article 8 (commencing with Section 3160) to Chapter 7 of Division 2 of, the Business and Professions Code, relating to optometric corporations.

[Approved by Governor September 16, 1970. Filed with Secretary of State September 16, 1970.]

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

SECTION 1. Section 3103 of the Business and Professions Code is amended to read:

3103. Directly or indirectly accepting employment to practice optometry from any person not having a valid, unrevoked certificate of registration as an optometrist or from any company or corporation constitutes unprofessional conduct. Except as provided in this chapter, no optometrist may, singly or jointly with others, be incorporated or become incorporated when the purpose or a purpose of the corporation is to practice optometry or to conduct the practice of optometry.

The terms "accepting employment to practice optometry" as used in this section shall not be construed so as to prevent a licensed optometrist from practicing optometry upon an individual patient.

SEC. 2. Article 8 (commencing with Section 3160) is added to Chapter 7 of Division 2 of the Business and Professions Code, to read:

Article 8. Optometric Corporations

3160. An optometric corporation is a corporation which is registered with the State Board of Optometry and has a currently effective certificate of registration from the board 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 optometric corporation is entitled to practice optometry. With respect to an optometric corporation, the governmental agency referred to in the Moscone-Knox Professional Corporation Act is the State Board of Optometry.

3161. An applicant for registration as an optometric corporation shall supply to the board all necessary and pertinent

documents and information requested by the board concerning the applicant's plan of operation. 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, except as provided in Section 13403 of the Corporations Code, each officer, 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 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.

3162. Each optometric corporation shall file with the board at such times as the board may require a report containing such information pertaining to qualification and compliance with the statutes, rules and regulations of the board 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.

3163. The name of an optometric 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 optometric corporation or wording or abbreviations denoting corporate existence, provided that the articles of incorporation shall be amended to delete the name of a former shareholder from the name of the corporation within two years from the date the former shareholder dies or otherwise ceases to be a shareholder.

3164. Except as provided in Section 13403 of the Corporations Code, each director, shareholder, and officer of an optometric corporation shall be a licensed person as defined in the Moscone-Knox Professional Corporation Act.

3165. The income of an optometric 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 for his shares in the optometric corporation.

3166. An optometric 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 conducting 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 3055. The board shall have the same powers of suspension, revocation, and discipline against an optometric corporation as are now or hereafter authorized by Section 3090, or by any other similar statute against individual licensees, provided however, that proceedings against an opto-

metric 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.

3167. 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 an optometric 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 an optometric 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 1266

An act granting and conveying certain tide and submerged lands to the City of Sacramento, a municipal corporation of the State of California, 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 September 16, 1970. Filed with Secretary of State September 16, 1970.]

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

SECTION 1. The state hereby grants and conveys to the City of Sacramento, a municipal corporation, and to its successors, 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:

Parcel No. 1.

Beginning at a point on the mesne low water line on the East bank of the Sacramento River said point being North

53° 38½′ East 49.72 feet and South 71° 01½′ East 1507.32 feet from the intersection of the South line of Broadway (Y Street) and the center line of Front Street; thence, from said point of beginning South 49° 48½′ East 335.10 feet; thence, South 71° 01½′ East 202.72 feet to the westerly right of way line of the Southern Pacific Railroad Company's Walnut Grove Branch; thence, along said westerly line (measured at right angles) 20.00 feet from the center line of said track the following eleven courses and distances; South 1° 32½′ East 113.06 feet; thence, South 1° 26.8′ East 801.71 feet; thence, South 1° 57′ East 100.00 feet; thence South 2° 37′ East 100.01 feet; thence South 3° 05′ East 100.04 feet; thence, South 3° 36½′ East 100.06 feet; thence, South 4° 59.2′ East 53.83 feet; thence, South 5° 22′ East 491.83 feet; thence, South 13° 35′ East 968.60 feet; thence, South 20° 02′ East 120.26 feet; thence South 20° 19′ East 308.00 feet; thence North 77° 46′ West 108.16 feet to the low water line of the Sacramento River; thence following said low water line North 19° 00′ West 375.00 feet; thence, North 48° 53′ West 390.00 feet; thence North 38° 55′ West 765.30 feet; thence, North 44° 08′ West 590.18 feet; thence North 14° 40½′ West 493.61 feet; thence, North 3° 35′ East 365.00 feet; thence, North 16° 50′ East 273.00 feet; thence, North 29° 00′ East 465.00 feet; thence, North 42° 27′ East 432.82 feet to the point of beginning.

Parcel No. 2.

All that certain real property being in the City of Sacramento, County of Sacramento, State of California, described as follows:

A strip of land 30 feet in width measured at right angles and contiguous on the westerly side of the following described line beginning at a point on the mesne low water line on the east bank of the Sacramento River, said point being north 53° 38½′ east 49.72 feet and south 71° 01½′ east 1507.32 feet from the intersection of the south line of Broadway (Y Street) and the center line of Front Street; thence from said point of beginning following said low water line south 42° 27′ southwest 432.82 feet; thence south 29° 00′ west 465 feet; thence south 16° 50′ west 273.00 feet; thence south 03° 35′ west 365.00 feet; thence south 14° 40½′ east 493.61 feet; thence south 44° 08′ east 590.81 feet; thence south 38° 55′ east 765.30 feet; thence south 48° 53′ east 390 feet; thence south 19° 00′ east 375 feet to a point which bears north 77° 46′ west 108.61 feet from the westerly right-of-way line of the Southern Pacific Railroad Company's Walnut Grove Branch.

The above-described parcels of real property, which are a portion of Miller Park in the City of Sacramento, shall 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 the following purposes insofar as there is a general statewide interest therein:

(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, parks, playgrounds, bathhouses and bathing facilities, public recreation and fishing piers, public recreation facilities, 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 available for public use, 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.

(5) For the establishment, preservation, restoration, improvement, or maintenance of the unique recreational and aesthetic values connected with the waterfront area of the City of Sacramento herein described and for the use thereof for the aforementioned trust purposes.

(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 trust 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. Revenues and rents from said leases, franchises and privileges

shall be expended by the city for the improvement, maintenance or operation of the lands herein conveyed or for the acquisition, improvement, maintenance or operation of other public parks, or public harbors or marinas of statewide benefit on lands within the city which are contiguous with tide and submerged lands on the Sacramento or American Rivers. Any of said revenues and rents derived from the lands conveyed or acquired under the terms and conditions of this act shall be deposited in a trust fund established by the city in a manner prescribed by the Department of Finance and shall be expended in accordance with the terms of this act.

(c) Nothing contained in this act shall preclude expenditures for the development of the herein described lands for any public purpose if statewide benefit 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) 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.

(h) The city shall, at no cost to the state, survey and monument the granted lands and, following review and approval of said survey by the State Lands Commission shall record a description and plat thereof in the office of the County Recorder of Sacramento County.

(i) The city shall cause to be made and filed with the Department of Finance, annually, a detailed statement of receipts and expenditures by it of all rents, revenues, issues and

profits in any manner hereafter arising from the granted lands or any improvements, betterments, or structures thereon.

SEC. 2. In the event that the city fails or refuses to file, within 30 days after written notice to it, with the Department of Finance the statement of receipts and expenditures required to be made and filed pursuant to subdivision (i) of Section 1 of this act, or fails or refuses, within 30 days after written notice to it, to carry out the terms of this act, the State Lands Commission shall, within 60 days, notify the Chief Clerk of the Assembly and the Secretary of the Senate.

The Attorney General shall, upon request of the commission, bring such judicial proceedings for correction and enforcement as are appropriate, and shall act to protect any properties and assets situated on the granted lands or derived therefrom.

SEC. 3. The State Lands Commission may from time to time, at the request of the Legislature, institute a formal inquiry to determine that the terms and conditions of this act have been complied with and that all other applicable provisions of law concerning either the granted lands or regulating all granted lands, are being complied with in good faith.

SEC 4. The Attorney General, upon formal request of the State Lands Commission (which may only be made after a public hearing, held, after notice, at which the city has been given an opportunity to fully express any disagreement with the commission findings or describe any extenuating circumstances causing the violation), or by concurrent resolution of either house of the Legislature, shall bring an action in the Superior Court of Sacramento County to declare that the grant under which the city holds the lands herein granted and conveyed is revoked for gross and willful violation of the terms of this act, or to compel compliance with the terms and conditions of this act.

SEC. 5. At the end of each fiscal year, that portion of revenues and rents derived from the lands granted and conveyed herein in excess of two hundred fifty thousand dollars ($250,000) remaining after current and accrued operating costs and expenditures directly related to the operation or the maintenance of beaches, harbors, and other trust activities have been made, shall be deemed excess revenue; provided, that any funds deposited in a reserve fund for future capital expenditures, or any funds required to service or retire general obligation or revenue bond issues, the moneys from which have been, or will be, used for purposes authorized by law, shall not be deemed excess revenue. The excess revenue, as determined pursuant to this section, shall be divided as follows: 85 percent to the General Fund in the State Treasury, and 15 percent to the city to be deposited in the city's trust fund and used for any purpose authorized by the provisions of this act.

SEC. 6. A dispute exists between the City of Sacramento and the state as to the ownership of the parcels of property described as Parcel No. 1 and Parcel No. 2 in Section 1 of this

act, and title to a portion or portions of such parcels may lawfully be vested in the City of Sacramento; therefore, in the event that such dispute shall hereafter be resolved by a court of competent jurisdiction or by agreement between the state and the City of Sacramento, the provisions of Section 1 of this act shall apply only to such portion or portions of such parcels as shall so be determined to constitute tide and submerged lands and subject to the jurisdiction of the state.

SEC. 7. The Legislature finds and determines that the City of Sacramento in conjunction with the state and other public agencies, has adopted or is engaged in the process of preparing master plans for a system of regional parks and parkway areas which are located upon or which border upon state lands along the American and Sacramento Rivers and that the development of access to such parks and parkway areas will improve and make more available such lands for statewide recreational uses, and therefore declares that the expenditure of rents and revenues from the lands herein conveyed for the purposes herein specified will be for a public purpose of statewide benefit.

CHAPTER 1267

An act to add Section 9606.2 to the Revenue and Taxation Code, relating to the Motor Vehicle Transportation License Tax Law, to take effect immediately, tax levy.

[Approved by Governor September 16, 1970. Filed with Secretary of State September 16, 1970.]

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

SECTION 1. Section 9606.2 is added to the Revenue and Taxation Code, to read:

9606.2. (a) "Gross receipts," when derived from transportation operations of a household goods carrier, means the sum of:

(1) The line haul charges; and

(2) Ten percent of the line haul charges, which shall be included in gross receipts in lieu of any other charge made by the carrier for accessorial or related services in addition to the line haul charges.

(3) If the revenue produced from the tax on gross receipts described in this subdivision is projected by the State Board of Equalization in any year to be less than the revenue which would have been produced from such gross receipts if this section had not been enacted, the board, by regulation, shall increase the percentage specified in paragraph (2) in an amount sufficient to equal such difference, less any savings in administrative costs resulting from the enactment of this section.

The sum so derived shall be apportioned as provided in Section 9606 on shipments moving outside of this state.

(b) For purposes of this section and Section 9653.8, "operations as a household goods carrier" means the transportation by motor vehicle of the following commodities:

(1) Personal effects and property used or to be used in a dwelling when a part of the equipment or supply of such dwelling.

(2) Furniture, fixtures, equipment and the property of stores, offices, museums, institutions, hospitals, or other establishments when a part of the stock equipment, or supply of such stores, offices, museums, institutions, hospitals, or other establishments.

(3) Articles including objects of art, displays, and exhibits, which because of their unusual nature or value require the specialized handling and equipment usually employed in moving household goods.

(c) For the purposes of this section, "line haul charges" means the charge for transporting shipments from point of origin to point of destination including:

(1) Presurvey inspections of premises and goods to be shipped.

(2) Transportation of vehicles or containers to the premises.

(3) Removal of the goods from the residence or other point of origin.

(4) Placing goods in vans, lift vans, or similar type of container and protecting contents by use of skids, pads, blocking, bracing, or other similar protection.

(5) Tagging, listing, marking, weighing.

(6) Preparation of documentation required to accomplish such transportation.

(7) Unloading and delivery of goods at the residence or other place of destination.

(d) For the purposes of this section "charge made for accessorial or related services" means any charge made by the carrier and not included in the line haul charge and includes any charge for:

(1) Labor and materials in packing, crating, and uncrating.

(2) Warehouse handling, storage, and storage-in-transit.

(3) Insurance, and contractually assumed special liability for risk of loss, damage, or delay.

(4) Appliance service charges, brokerage fees, customs services, and other advances made on behalf of the shipper to third parties.

(5) Extra pickup and delivery, extra flight, long carry and shuttle.

(6) Overtime, or any other labor charge not included in the line haul charge.

(7) Any separate charge not specifically included in the line haul charge.

(e) Where the transport operations on a particular shipment are performed by two or more household goods carriers

(whether as connecting carriers, interlining carriers, or as carrier and agent). Each of such carriers shall pay that same percentage of a single tax calculated under subdivision (a) of this section on that shipment as they receive as their percentage of the total charge for all services on that shipment.

SEC. 2. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect. However, the provisions of this act shall become operative on January 1, 1971. This act shall be operative until January 1, 1973 and shall thereafter have no force or effect. The State Board of Equalization shall report to the 1972 Regular Session of the Legislature on or before March 15, 1972, on the fiscal effect of this act.

CHAPTER 1268

An act to amend Section 2416 of the Vehicle Code, relating to vehicles.

[Approved by Governor September 16, 1970. Filed with Secretary of State September 16, 1970.]

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

SECTION 1. Section 2416 of the Vehicle Code is amended to read:

2416. (a) The Commissioner of the California Highway Patrol may issue authorized emergency vehicle permits only for the following vehicles, and then only upon a finding in each case that the vehicle is used in responding to emergency calls for fire or law enforcement or for the immediate preservation of life or property or for the apprehension of law violators:

(1) Any vehicle maintained in whole or in part by the state, a county or a city and privately owned and operated by a constable, deputy constable, or person who is a member of, and who receives salary from, and is regularly employed by, a police department or sheriff's department, provided the state, county or city does not furnish to such person a publicly owned authorized emergency vehicle.

(2) An emergency repair vehicle of a utility or public utility.

(3) Firefighting equipment designed and operated exclusively as such.

(4) Any vehicle operated by the chief or assistant chief of a fire department organized as provided in the Health and Safety Code or the Government Code or pursuant to special act of the Legislature.

(5) Any vehicle of an air pollution control district used to enforce provisions of law relating to air pollution from motor vehicles.

(6) Any vehicle operated by the chief of any fire department established on any base of the armed forces of the United States.

(7) Vehicles used for law enforcement work by a peace officer of the state park system appointed pursuant to Section 5008 of the Public Resources Code.

(b) Privately owned ambulances may be operated as emergency vehicles only under a license issued in accordance with the provisions of Chapter 2.5 (commencing with Section 2500) of this division.

CHAPTER 1269

An act to add Section 14672.8 to the Government Code, relating to state property.

[Approved by Governor September 16, 1970. Filed with Secretary of State September 16, 1970.]

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

SECTION 1. Section 14672.8 is added to the Government Code, to read:

14672.8. Notwithstanding the provisions of Section 14670, the Director of General Services, with the consent of the state agency concerned, on terms and conditions he deems in the interests of the state and for a period not longer than 55 years, may lease to the City of San Bernardino, for a public purpose exclusively, that parcel of land owned by the state and described as follows:

A portion of Block 1, Map of West Highlands, City of San Bernardino, County of San Bernardino, State of California, as per map recorded in Book 5, page 77, of Maps in the Office of the County Recorder of San Bernardino County, that portion of the West half of Lot 2, and that portion of the North East One-Quarter of Lot 3 of Block 60, of the 80 Acre Survey of the Rancho San Bernardino, in the County of San Bernardino, State of California according to the plat thereof recorded in Book 7 of Maps, page 2, Records of San Bernardino County.

The lease authorized by this section shall have a firm term of five years, shall provide that the amount of rental payable to the state shall be subject to recalculation to the satisfaction of the state at intervals of not less than every five years, and shall provide for the reversion of the leasehold to the state upon any breach of the lease.

CHAPTER 1270

An act to amend Section 663.7 of the Harbors and Navigation Code and to amend Section 5010 of the Public Resources Code, relating to vessels.

[Approved by Governor September 16, 1970 Filed with Secretary of State September 16, 1970.]

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

SECTION 1. Section 663.7 of the Harbors and Navigation Code is amended 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 a boat entry unit cost factor derived by dividing the most recent annual boat entry count into the maximum amount available and appropriated for such programs in the 1969–70 fiscal year. Budgets for such programs shall be estimated for each fiscal year and adjustments shall be made thereto for the previous year in accordance with the actual boat entry count as it becomes available multiplied by the boat entry unit cost factor. The amount thus determined shall be available to the Department of Parks and Recreation from the Harbors and Watercraft Revolving Fund provided, however, that all fees and other proceeds from the use of boats or boating facilities in state parks and on waters under the control of the state shall

be paid into the State Treasury to the credit of the Harbors and Watercraft Revolving Fund.

(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 5010 of the Public Resources Code is amended to read:

5010. The department, whenever in its judgment it is practicable to do so, shall collect fees, rentals, and other return for the use of any state park area, the amounts to be determined by the department and to be paid into the State Treasury to the credit of the General Fund, except that fees and other proceeds from the use of boats or boating facilities which shall be paid into the State Treasury to the credit of the Harbors and Watercraft Revolving Fund.

CHAPTER 1271

An act to amend Section 651.3 of the Business and Professions Code, relating to advertisements referring to cost, price, charge or fee for commodities furnished or services performed by licensee.

[Approved by Governor September 16, 1970. Filed with Secretary of State September 16, 1970.]

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

SECTION 1. Section 651.3 of the Business and Professions Code is amended to read:

651.3. No person, whether or not licensed under this division, shall advertise or cause or permit to be advertised, any representations in any form which in any manner, whether directly or indirectly, refer to the cost, price, charge, or fee to be paid for any commodity or commodities furnished or any service or services performed by any person licensed as a physician and surgeon, optometrist, pharmacist, or registered dispensing optician, when those commodities or services are furnished in connection with the professional practice or business for which he is licensed; provided, however, that the pro-

visions of this section do not apply to the furnishing of information regarding benefits available, and charges therefor, under the coverage of any hospital or medical service or insurance plan.

This section shall not be construed to do any of the following:

(a) Modify or establish prices or fees or modify or affect in any manner any other provisions of this division.

(b) Prohibit advertising concerning the allowance of credit, time payments, budget terms, or the allowance of any other method of payment for a commodity or a service where the advertising contains no indication of cost, price, charge, or fee.

(c) Prohibit the advertising of any drug or device which does not require a prescription.

CHAPTER 1272

An act to add Sections 71699 and 71700 to the Water Code, relating to municipal water districts.

[Approved by Governor September 16, 1970. Filed with Secretary of State September 16, 1970.]

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

SECTION 1. Section 71699 is added to the Water Code, to read:

71699. No publicly owned utility shall commence to provide any water service for, on, or to any land within a municipal water district which is subject to (1) the lien of a bonded indebtedness incurred by the district for the purpose of providing a service similar to that which the utility proposes to provide or (2) a lien of an indebtedness arising under any contract between the district and the United States of America incurred or contracted by the district for the purpose of providing water service; provided, that a majority of the voters voting at an election within the district have approved the incurrence of the indebtedness and, provided further, that the district has water available and is ready, able, and willing to serve such land.

However, a publicly owned utility may commence to provide service, otherwise prohibited, upon either of the following conditions:

(a) In any portion of such a municipal water district proposed to be served by the publicly owned utility in which the total number of registered voters residing therein is less than 12, and in which the municipal water district (1) receives the written consent of at least a majority of the owners of real property holding at least a majority in value of the real property and (2) consents to the service by resolution.

(b) In any portion of such a municipal water district proposed to be served by the publicly owned utility in which

the total number of registered voters residing therein is 12 or more, and in which at least a majority of the voters voting on the proposition shall have voted at a special municipal water district election to permit such service within that portion of the district. The election shall be called and held within that portion of the district in the same manner as an initiative measure pursuant to Section 71530.

SEC. 2. Section 71700 is added to the Water Code, to read:

71700. Any publicly owned utility which commences to provide any water service for, on, or to any land within a municipal water district which is providing service to the land and which land at the commencement of such service is subject to the lien of a bonded or contract indebtedness with revenues pledged for their payment, shall reimburse the district from the water revenues derived from charges made for service to such land, the amount which would have been paid by the district from water revenues for such bond or contract payments.

CHAPTER 1273

An act to add Section 268 to the Education Code, relating to federal funds.

[Approved by Governor September 16, 1970. Filed with Secretary of State September 16, 1970.]

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

SECTION 1. Section 268 is added to the Education Code, to read:

268. The Superintendent of Public Instruction shall 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.

The 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.

The member of the Assembly Education Committee and the member of the Senate Education Committee shall have the powers and duties of a joint interim committee on the subject of federal categorical aid funds for public education and shall meet with the working committee and participate in its work

to the extent that such participation is not incompatible with their position as Members of the Legislature.

The Superintendent of Public Instruction shall submit to the Legislature, on the fifth calendar day of the 1971 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 1971–1972 fiscal year.

CHAPTER 1274

An act to add Chapter 3 (commencing with Section 980) to Part 5 of Division 3.6 of Title 1 of the Government Code, relating to payment of claims against public entities.

[Approved by Governor September 16, 1970. Filed with Secretary of State September 16, 1970.]

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

SECTION 1. Chapter 3 (commencing with Section 980) is added to Part 5 of Division 3.6 of Title 1 of the Government Code, to read:

CHAPTER 3. CONSTRUCTION CLAIMS AND CONTRACT PAYMENTS

980. Whenever a request for payment from the state or a local entity pursuant to the terms of a contract for the construction of a public works project as defined in Section 1720 of the Labor Code is properly filed and the validity of such claim is not disputed or has been settled or agreed upon, payment of such claim by the disbursing officer of the state or local public entity shall include interest at the legal rate of 7 percent per annum commencing 90 days after the proper submission of such claim.

CHAPTER 1275

An act to amend Section 58891 of the Agricultural Code, relating to marketing orders.

[Approved by Governor September 16, 1970. Filed with Secretary of State September 16, 1970.]

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

SECTION 1. Section 58891 of the Agricultural Code is amended to read:

58891. A marketing order may contain provisions for the application for, review, certification, and equitable payment of,

production adjustment benefits to growers from funds which are collected for such purpose on a uniform basis from all commercial growers of any commodity in the state, for which production adjustment payments are made. Such funds may be supplemented by funds, if any, which are received from federal, state, or other agencies for such purpose.

CHAPTER 1276

An act to amend Sections 17571, 18081, 18182, 18211, and 24941 of, to add Sections 17233, 17235, 18219, 18220, 24422.5, and 24662 to, and to repeal Section 17292 of, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

[Approved by Governor September 16, 1970. Filed with Secretary of State September 16, 1970.]

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

SECTION 1. Section 17233 is added to the Revenue and Taxation Code, to read:

17233. (a) In the case of an activity engaged in by an individual, if such activity is not engaged in for profit, no deduction attributable to such activity shall be allowed under this part except as provided in this section.

(b) In the case of an activity not engaged in for profit to which subsection (a) applies, there shall be allowed—

(1) The deductions which would be allowable under this part for the taxable year without regard to whether or not such activity is engaged in for profit, and

(2) A deduction equal to the amount of the deductions which would be allowable under this part for the taxable year only if such activity were engaged in for profit, but only to the extent that the gross income derived from such activity for the taxable year exceeds the deductions allowable by reason of paragraph (1).

(c) For purposes of this section, the term "activity not engaged in for profit" means any activity other than one with respect to which deductions are allowable for the taxable year under Section 17202 or under subdivision (a) or (b) of Section 17252.

(d) If the gross income derived from an activity for two or more of the taxable years in the period of five consecutive taxable years which ends with the taxable year exceeds the deductions attributable to such activity (determined without regard to whether or not such activity is engaged in for profit), then, unless the Franchise Tax Board establishes to the contrary, such activity shall be presumed for purposes of this chapter for such taxable year to be an activity engaged in for profit. In the case of an activity which consists in major part of the breeding, training, showing, or racing of horses, the

preceding sentence shall be applied by substituting the period of seven consecutive taxable years for the period of five consecutive taxable years.

SEC. 2. Section 17235 is added to the Revenue and Taxation Code, to read:

17235. (a) Except as provided in subdivision (b), any amount (allowable as a deduction without regard to this section), which is attributable to the planting, cultivation, maintenance, or development of any citrus grove (or part thereof), and which is incurred before the close of the fourth taxable year beginning with the taxable year in which the trees were planted, shall be charged to capital account. For purposes of the preceding sentence, the portion of a citrus grove planted in one taxable year shall be treated separately from the portion of such grove planted in another taxable year.

(b) Subdivision (a) shall not apply to amounts allowable as deductions (without regard to this section), and attributable to a citrus grove (or part thereof) which was:

(1) Replanted after having been lost or damaged (while in the hands of the taxpayer), by reason of freeze, disease, drought, pests or casualty, or

(2) Planted or replanted prior to the enactment of this section.

SEC. 3. Section 17292 of the Revenue and Taxation Code is repealed.

SEC. 4. Section 17571 of the Revenue and Taxation Code is amended to read:

17571. (a) The amount of any item of gross income shall be included in the gross income for the taxable year in which received by the taxpayer, unless, under the method of accounting used in computing taxable income, such amount is to be properly accounted for as of a different period.

(b) In the case of the death of a taxpayer whose taxable income is computed under an accrual method of accounting, any amount accrued only by reason of the death of the taxpayer shall not be included in computing taxable income for the period in which falls the date of the taxpayer's death.

(c) In the case of insurance proceeds received as a result of destruction or damage to crops, a taxpayer reporting on the cash receipts and disbursements method of accounting may elect to include such proceeds in income for the taxable year following the taxable year of destruction or damage, if he establishes that, under his practice, income from such crops would have been reported in a following taxable year. An election under this subdivision for any taxable year shall be made at such time and in such manner as the Franchise Tax Board prescribes.

SEC. 5. Section 18081 of the Revenue and Taxation Code is amended to read:

18081. (a) No gain or loss shall be recognized if property held for productive use in trade or business or for investment (not including stock in trade or other property held primarily

for sale, nor stocks, bonds, notes, choses in action, certificates of trust or beneficial interest, or other securities or evidences of indebtedness or interest) is exchanged solely for property of a like kind to be held either for productive use in trade or business or for investment.

(b) If an exchange would be within the provisions of subdivision (a), of Section 18101(a), or of Section 18102(a), if it were not for the fact that the property received in exchange consists not only of property permitted by such provisions to be received without the recognition of gain, but also of other property or money, then the gain, if any, to the recipient shall be recognized, but in an amount not in excess of the sum of such money and the fair market value of such other property.

(c) If an exchange would be within the provisions of subdivision (a), of Section 18101(a), or of Section 18102(a), if it were not for the fact that the property received in exchange consists not only of property permitted by such provisions to be received without the recognition of gain or loss, but also of other property or money, then no loss from the exchange shall be recognized.

(d) If property was acquired on an exchange described in this section, Section 18101, or Section 18102, then the basis shall be the same as that of the property exchanged decreased in the amount of any money received by the taxpayer and increased in the amount of gain or decreased in the amount of loss to the taxpayer that was recognized on such exchange. If the property so acquired consisted in part of the type of property permitted by this section, Section 18101(a), or Section 18102(a), to be received without the recognition of gain or loss, and in part of other property, the basis provided in this subdivision shall be allocated between the properties (other than money) received, and for the purpose of the allocation there shall be assigned to such other property an amount equivalent to its fair market value at the date of the exchange For purposes of this section, Section 18101(a), and Section 18102(a), where as part of the consideration to the taxpayer another party to the exchange assumed a liability of the taxpayer or acquired from the taxpayer property subject to a liability, such assumption or acquisition (in the amount of the liability) shall be considered as money received by the taxpayer on the exchange.

(e) For purposes of this section, livestock of different sexes are not property of like kind.

SEC. 6. Section 18182 of the Revenue and Taxation Code is amended to read:

18182. (a) For the purposes of Section 18181, the term "*property used in the trade* or business" means property used in the trade or business, of a character which is subject to the allowance for depreciation provided in Sections 17208 to 17211.5, inclusive, held for more than six months, and real

property used in the trade or business, held for more than six months, which is not:

(1) Property of a kind which would properly be includable in the inventory of the taxpayer if on hand at the close of the taxable year; or

(2) Property held by the taxpayer primarily for sale to customers in the ordinary course of his trade or business; or

(3) A copyright, a literary, musical or artistic composition, or similar property, held by a taxpayer described in Section 18161(c).

(b) Such term also includes timber with respect to which Sections 17711 and 17712 are applicable. Such term also includes cattle and horses, regardless of age, held by the taxpayer for draft, breeding, dairy, or sporting purposes, and held by him for 24 months or more from the date of acquisition, and other livestock, regardless of age, held by the taxpayer for draft, breeding,, dairy, or sporting purposes, and held by him for 12 months or more from the date of acquisition. It does not include poultry.

(c) In the case of an unharvested crop on land used in the trade or business and held for more than six months, if the crop and the land are sold or exchanged (or compulsorily or involuntarily converted as described in Section 18181) at the same time and to the same person, the crop shall be considered as "property used in the trade or business."

SEC. 7. 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 (other than livestock), its adjusted basis recomputed by adding thereto all adjustments, attributable to periods after December 31, 1961, and with respect to livestock, its adjusted basis recomputed by adding thereto all adjustments attributable to periods after December 31, 1969, 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 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 Section 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 ef-

fectuate 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. 8. Section 18219 is added to the Revenue and Taxation Code, to read:

18219. (a) (1) Except as otherwise provided in this section, if farmland which the taxpayer has held for less than 10 years is disposed of during a taxable year beginning after December 31, 1969, the lower of—

(A) The applicable percentage of the aggregate of the deductions allowed under Section 17224 (relating to soil and water conservation expenditures) for expenditures made by the taxpayer after December 31, 1969, with respect to the farmland or

(B) The excess of—

(i) The amount realized (in the case of a sale, exchange, or involuntary conversion), or the fair market value of the farmland (in the case of any other disposition), over

(ii) The adjusted basis of such land,

shall be treated as gain from the sale or exchange of property which is neither a capital asset nor property described in Section 18182. Such gain shall be recognized notwithstanding any other provision of this subtitle, except that this section shall not apply to the extent Section 18220 applies to such gain.

(2) For purposes of this section, the term "farmland" means any land with respect to which deductions have been allowed under Section 17224 (relating to soil and water conservation expenditures).

(3) For purposes of this section—

If the farmland is disposed of—	The applicable percentage is—
Within five years after the date it was acquired	100 percent.
Within the sixth year after it was acquired	80 percent.
Within the seventh year after it was acquired	60 percent.
Within the eighth year after it was acquired	40 percent.
Within the ninth year after it was acquired	20 percent.
Ten years or more years after it was acquired	0 percent.

(b) Under regulations prescribed by the Franchise Tax Board, rules similar to the rules of Section 18211 shall be applied for purposes of this section.

SEC. 9. Section 18220 is added to the Revenue and Taxation Code, to read:

18220. Notwithstanding any other provision in this part to the contrary, for taxable years beginning after December 31, 1969;

(a) This section shall apply with respect to any taxable year only if:

(1) There is a farm net loss for the taxable year; or

(2) There is a balance in the excess deductions account as of the close of the taxable year after applying subsection (b)(3)(A).

(b) (1) Each taxpayer subject to this section shall, for purposes of this section, establish and maintain an excess deductions account.

(2) (A) There shall be added to the excess deductions account for each taxable year an amount equal to the farm net loss.

(B) In the case of an individual (other than a trust) subparagraph (A) shall apply for a taxable year—

(i) Only if the taxpayer's nonfarm adjusted gross income for such year exceeds $50,000, and

(ii) Only to the extent the taxpayer's farm net loss for such year exceeds $25,000.

(C) In the case of a husband or wife who files a separate return, the amount specified in subparagraph (B)(i) shall be $25,000 in lieu of $50,000, and in subparagraph (B)(ii) shall be $12,500 in lieu of $25,000. This subparagraph shall not apply if the spouse of the taxpayer does not have any nonfarm adjusted gross income for the taxable year.

(D) For purposes of this section, the term "nonfarm adjusted gross income" means adjusted gross income computed

without regard to income or deductions attributable to the business of farming.

(3) If there is any amount in the excess deductions account at the close of any taxable year (determined before any amount is subtracted under this paragraph for such year) there shall be subtracted from the account—

(A) An amount equal to the farm net income for such year, plus the amount (determined as provided in regulations prescribed by the Franchise Tax Board) necessary to adjust the account for deductions which did not result in a reduction of the taxpayer's tax under this subtitle for the taxable year or any preceding taxable year, and

(B) After applying paragraph (2) or subparagraph (A) of this paragraph (as the case may be), an amount equal to the sum of the amounts treated, solely by reason of the application of subsection (c), as gain from the sale or exchange of property which is neither a capital asset nor property described in Section 18182.

(4) (A) Except to the extent that the taxpayer has succeeded to an excess deductions account as provided in paragraph (5), additions to the excess deductions account shall not be required by a taxpayer who elects to compute taxable income from farming (i) by using inventories, and (ii) by charging to capital account all expenditures paid or incurred which are properly chargeable to capital account (including such expenditures which the taxpayer may, under this chapter or regulations prescribed thereunder, otherwise treat or elect to treat as expenditures which are not chargeable to capital account).

(B) An election under subparagraph (A) for any taxable year shall be filed within the time prescribed by law (including extensions thereof) for filing the return for such taxable year, and shall be made and filed in such manner as the Franchise Tax Board shall prescribe by regulations. Such election shall be binding on the taxpayer for such taxable year and for all subsequent taxable years and may not be revoked except with the consent of the Franchise Tax Board.

(C) If, in order to comply with the election made under subparagraph (A), a taxpayer changes his method of accounting in computing taxable income from the business of farming, such change shall be treated as having been made with the consent of the Franchise Tax Board and for purposes of subdivision (b) of Section 17611 shall be treated as a change not initiated by the taxpayer.

(5) If:

(A) Farm recapture property is disposed of by gift, and

(B) The potential gain (as defined in subsection (e)(5)) on farm recapture property disposed of by gift during any one-year period in which any such gift occurs is more than 25 percent of the potential gain on farm recapture property held by the donor immediately prior to the first of such gifts,

each donee of the property shall succeed (at the time the first

of such gifts is made, but in an amount determined as of the close of the donor's taxable year in which the first of such gifts is made) to the same proportion of the donor's excess deductions account (determined, after the application of paragraphs (2) and (3) with respect to the donor, as of the close of such taxable year), as the potential gain on the property received by such donee bears to the aggregate potential gain on farm recapture property held by the donor immediately prior to the first of such gifts.

(6) In the case of an addition to an excess deductions account for a taxable year for which a joint return was filed under Section 18402, for any subsequent taxable year for which a separate return was filed the Franchise Tax Board shall provide rules for allocating any remaining amount of such addition in a manner consistent with the purposes of this section.

(c) (1) Except as otherwise provided in this section, if farm recapture property (as defined in subsection (e)(1)) is disposed of during a taxable year beginning after December 31, 1969, the amount by which—

(A) In the case of a sale, exchange, or involuntary conversion, the amount realized, or

(B) 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 or 18182. Such gain shall be recognized notwithstanding any other provision of this part.

(2) (A) The aggregate of the amounts treated under paragraph (1) as gain from the sale or exchange of property which is neither a capital asset nor property described in Sections 18181 or 18182 for any taxable year shall not exceed the amount in the excess deductions account at the close of the taxable year after applying subsection (b)(3)(A).

(B) If the aggregate of the amounts to which paragraph (1) applies is limited by the application of subparagraph (A), paragraph (1) shall apply in respect of such dispositions (and in such amounts) as provided under regulations prescribed by the Franchise Tax Board.

(C) In applying subparagraph (A), any gain on the sale or exchange of land shall be taken into account only to the extent of its potential gain (as defined in subsection (e)(5)).

(d) (1) Subsection (c) shall not apply to a disposition by gift.

(2) Except as provided in Sections 17831 to 17834, inclusive (relating to income in respect of a decedent), subsection (c) shall not apply to a transfer at death.

(3) 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 subsection (c)(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 with respect to which no gain is recognized under subparagraph (A), but which is not farm recapture property.

(4) (A) In the case of a partnership, each partner shall take into account separately his distributive share of the partnership's farm net losses, gains from dispositions of farm recapture property, and other items in applying this section to the partner.

(B) If farm recapture property is contributed to a partnership and gain (determined without regard to this section) is not recognized under Section 17881, then the amount of gain taken into account by the transferor under subsection (c)(1) shall not exceed the excess of the fair market value of farm recapture property transferred over the fair market value of the partnership interest attributable to such property. If the partnership agreement provides for an allocation of gain to the contributing partner with respect to farm recapture property contributed to the partnership (as provided in subdivision (b) of Section 17857), the partnership interest of the contributing partner shall be deemed to be attributable to such property.

(5) Except for transactions described in subsection (b)(5)(A), in the case of a transfer, described in paragraph (3), of farm recapture property to a corporation, stock or securities received by a transferor in the exchange shall be farm recapture property to the extent attributable to the fair market value of farm recapture property (or, in the case of land, if less, the adjusted basis plus the potential gain (as defined in subsection (e)(5)) on farm recapture property) contributed to the corporation by such transferor.

(e) For purposes of this section—

(1) The term "farm recapture property" means—

(A) Any property (other than Section 18212 property) described in paragraph (1) (relating to business property held for more than six months), (3) (relating to livestock), or (4) (relating to an unharvested crop) of Section 18182 which is or has been used in the trade or business of farming by the taxpayer or by a transferor in a transaction described in subsection (b)(5), and

(B) Any property the basis of which in the hands of the taxpayer is determined with reference to the adjusted basis of property which was farm recapture property in the hands of the taxpayer within the meaning of subparagraph (A).

(2) The term "farm net loss" means the amount by which—

(A) The deductions allowed or allowable by this chapter which are directly connected with the carrying on of the trade or business of farming, exceed

(B) The gross income derived from such trade or business. Gains and losses on the disposition of farm recapture property referred to in Section 18181 (determined without regard to this section or Section 18211) shall not be taken into account.

(3) The term "farm net income" means the amount by which the amount referred to in paragraph (2)(B) exceeds the amount referred to in paragraph (2)(A).

(4) (A) In the case of a taxpayer engaged in the raising of horses, the term "trade or business of farming" includes the racing of horses.

(B) If a taxpayer is engaged in more than one trade or business of farming, all such trades and businesses shall be treated as one trade or business.

(5) The term "potential gain" means an amount equal to the excess of the fair market value of property over its adjusted basis, but limited in the case of land to the extent of the deductions allowable in respect to such land under Section 17224 (relating to soil and water conservation expenditures) for the taxable year and the four preceding taxable years.

SEC. 10. Section 24422.5 is added to the Revenue and Taxation Code, to read:

24422.5. (a) Except as provided in subdivision (b), any amount (allowable as a deduction without regard to this section), which is attributable to the planting, cultivation, maintenance, or development of any citrus grove (or part thereof), and which is incurred before the close of the fourth income year beginning with the income year in which the trees were planted, shall be charged to capital account. For purposes of the preceding sentence, the portion of a citrus grove planted in one income year shall be treated separately from the portion of such grove planted in another income year.

(b) Subdivision (a) shall not apply to amounts allowable as deductions (without regard to this section), and attributable to a citrus grove (or part thereof) which was:

(1) Replanted after having been lost or damaged (while in the hands of the taxpayer), by reason of freeze, disease, drought, pests or casualty, or

(2) Planted or replanted prior to the enactment of this section.

SEC. 11. Section 24662 is added to the Revenue and Taxation Code, to read:

24662. In the case of insurance proceeds received as a result of destruction or damage to crops, a taxpayer reporting on the cash receipts and disbursements method of accounting may elect to include such proceeds in income for the income year following the income year of destruction or damage, if he establishes that, under his practice, income from such crops would have been reported in a following income year. An election under this section for any income year shall be made at such time and in such manner as the Franchise Tax Board prescribes.

SEC. 12. Section 24941 of the Revenue and Taxation Code is amended to read:

24941. (a) No gain or loss shall be recognized if property held for productive use in trade or business or for investment (not including stock in trade or other property held primarily for sale, nor stocks, bonds, notes, choses in action, certificates of trust or beneficial interest, or other securities or evidences of indebtedness or interest) is exchanged solely for property of a like kind to be held either for productive use in trade or business or for investment.

(b) If an exchange would be within the provisions of subsection (a), of Section 24950, or of Section 24951, if it were not for the fact that the property received in exchange consists not only of property permitted by such provisions to be received without the recognition of gain, but also of other property or money, then the gain, if any, to the recipient shall be recognized, but in an amount not in excess of the sum of such money and the fair market value of such other property.

(c) If an exchange would be within the provisions of subsection (a), of Section 24950, or of Section 24951, if it were not for the fact that the property received in exchange consists not only of property permitted by such provisions to be received without the recognition of gain or loss, but also of other property or money, then no loss from the exchange shall be recognized.

(d) If property was acquired on an exchange described in this section, Section 24950, or Section 24951, then the basis shall be the same as that of the property exchanged decreased in the amount of any money received by the bank or corporation and increase in the amount of gain or decreased in the amount of loss to the bank or corporation that was recognized on such exchange. If the property so acquired consisted in part of the type of property permitted by this section, Section 24950, or Section 24951, to be received without the recognition of gain or loss, and in part of other property, the basis provided in this subsection shall be allocated between the properties (other than money) received, and for the purpose of the allocation there shall be assigned to such other property an amount equivalent to its fair market value at the date of the exchange. For purposes of this section, Section 24950, and Section 24951, 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 be considered as money received by the bank or corporation on the exchange.

(e) For the purposes of this section, livestock of different sexes is not property of like kind.

SEC. 13. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect; however, provisions making changes in the Personal Income Tax Law shall be applied in the computation of

taxes for taxable years beginning after December 31, 1969, and provisions making changes in the Bank and Corporation Tax Law shall be applied to the computation of taxes on or measured by net income of income years beginning after December 31, 1969. Section 6 of this act shall apply to livestock acquired after December 31, 1969. Sections 5 and 12 of this act are intended by the Legislature to be a correct interpretation of existing law.

CHAPTER 1277

An act to amend Section 1630 of, and to add Section 1630.5 to, the Civil Code, relating to contracts.

[Approved by Governor September 16, 1970. Filed with Secretary of State September 16, 1970.]

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

SECTION 1. Section 1630 of the Civil Code is amended to read:

1630. Except as provided in Section 1630.5, a printed contract of bailment providing for the parking or storage of a motor vehicle shall not be binding, either in whole or in part, on the vehicle owner or on the person who leaves the vehicle with another, unless the contract conforms to the following:

(a) "This contract limits our liability—read it" is printed at the top in capital letters of 10-point type or larger.

(b) All the provisions of the contract are printed legibly in eight-point type or larger.

(c) Acceptance of benefits under a contract included within the provisions of this section shall not be construed a waiver of this section, and it shall be unlawful to issue such a contract on condition that provisions of this section are waived.

A copy of the contract printed in large type, in an area at least 17 by 22 inches, shall be posted in a conspicuous place at each entrance of the parking lot.

Nothing in this section shall be construed to prohibit the enactment of city ordinances on this subject that are not less restrictive, and such enactments are expressly authorized.

SEC. 2. Section 1630.5 is added to the Civil Code, to read:

1630.5. The provisions of any contract of bailment for the parking or storage of a motor vehicle shall not exempt the bailee from liability, either in whole or in part, for the theft of any motor vehicle, when such motor vehicle is parked or stored with such bailee, and the keys are required by such bailee to be left in the parked or stored vehicle.

CHAPTER 1278

An act to amend Section 186.3 of, and to repeal Sections 2105 and 2107.4 of, the Streets and Highways Code, relating to select systems of highways and streets.

[Approved by Governor September 16, 1970. Filed with Secretary of State September 16, 1970.]

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

SECTION 1. Section 186.3 of the Streets and Highways Code is amended to read:

186.3. (a) Funds apportioned pursuant to Section 2106 shall be expended exclusively for acquisition of rights-of-way for and construction of routes on the select system of county roads and city streets for such county or city established as provided in this section or for maintenance purposes; provided, however, that any expenditure of funds apportioned pursuant to Section 2106 or 2107 for acquisition of rights-of-way or construction upon a state highway, or upon a select system road or street in a county or city, shall be deemed an expenditure upon the select system of the county or city making such expenditure.

(b) Each county and city, to be eligible for allocation and apportionment of funds pursuant to Section 2106 or 2107, shall file a report and map or maps with the department indicating its select system of county roads or city streets, and thereafter each eligible county and city may submit a supplemental report with map or maps recommending proposed additions or deletions to the system where such additions or deletions are warranted by changes brought about by annexations or changes in traffic or land-use patterns or by other causes. Such submittals shall be reviewed and approved or modified by the department and shall constitute the select system upon which funds may thereafter be expended.

(c) All select systems and their modifications or revisions heretofore approved by the commission shall be effective upon the date of such approval.

(d) Notwithstanding subdivision (a) and Section 2107.4, funds received pursuant to Sections 2106 and 2107 and expended for the acquisition of rights-of-way for, and the construction of, city streets shall be considered expenditures on the select system of the city, if the city legislative body finds that 90 percent or more of either its select system or its entire system of city streets has been constructed. For purposes of this subdivision, the select system of city streets shall include all city streets which meet, or substantially meet, all three criteria set forth in subdivision (b) of Section 186.4. In the event that the total mileage of streets in the city has increased by more than 10 percent since the findings were made by the city legislative body, it shall reevaluate its findings.

SEC. 2. Section 2105 of the Streets and Highways Code is repealed.

SEC. 3. Section 2107.4 of the Streets and Highways Code is repealed.

CHAPTER 1279

An act to amend Section 66610 of the Government Code, relating to the San Francisco Bay Conservation and Development Commission.

[Approved by Governor September 16, 1970. Filed with Secretary of State September 16, 1970.]

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

SECTION 1. Section 66610 of the Government Code is amended to read:

66610. For the purposes of this title, the area of jurisdiction of the San Francisco Bay Conservation and Development Commission includes:

(a) San Francisco Bay, being all areas that are subject to tidal action from the south end of the bay to the Golden Gate (Point Bonita-Point Lobos) and to the Sacramento River line (a line between Stake Point and Simmons Point, extended northeasterly to the mouth of Marshall Cut), including all sloughs, and specifically, the marshlands lying between mean high tide and five feet above mean sea level; tidelands (land lying between mean high tide and mean low tide); and submerged lands (land lying below mean low tide).

(b) A shoreline band consisting of all territory located between the shoreline of San Francisco Bay as defined in subdivision (a) of this section and a line 100 feet landward of and parallel with that line, but excluding any portions of such territory which are included in subdivisions (a), (c) and (d) of this section; provided that the commission may, by resolution, exclude from its area of jurisdiction any area within the shoreline band that it finds and declares is of no regional importance to the bay.

(c) Saltponds consisting of all areas which have been diked off from the bay and have been used during the three years immediately preceding the effective date of the amendment of this section during the 1969 Regular Session of the Legislature for the solar evaporation of bay water in the course of salt production.

(d) Managed wetlands consisting of all areas which have been diked off from the bay and have been maintained during the three years immediately preceding the effective date of the amendment of this section during the 1969 Regular Session of the Legislature as a duck hunting preserve, game refuge or for agriculture.

(e) Certain waterways (in addition to areas included within subdivision (a)), consisting of all areas that are subject to

tidal action, including submerged lands, tidelands, and marshlands up to five feet above mean sea level, on, or tributary to, the listed portions of the following waterways:

(1) Plummer Creek in Alameda County, to the eastern limit of the saltponds.

(2) Coyote Creek (and branches) in Alameda and Santa Clara Counties, to the easternmost point of Newby Island.

(3) Redwood Creek in San Mateo County, to its confluence with Smith Slough.

(4) Tolay Creek in Sonoma County, to the northerly line of Sears Point Road (State Highway 37).

(5) Petaluma River in Marin and Sonoma Counties to its confluence with Adobe Creek, and San Antonio Creek to the easterly line of the Northwestern Pacific Railroad right-of-way.

(6) Napa River, to the northernmost point of Bull Island.

(7) Sonoma Creek, to its confluence with Second Napa Slough.

The definition which is made by this section is merely for the purpose of prescribing the area of jurisdiction of the commission which is created by this title. This definition shall not be construed to affect title to any land or to prescribe the boundaries of the San Francisco Bay for any purpose except the authority of the commission created by this title.

CHAPTER 1280

An act to amend Section 1942 of, and to add Sections 1941.1, 1941.2, 1942.1, and 1942.5 to, the Civil Code, relating to landlord and tenant.

[Approved by Governor September 16, 1970. Filed with Secretary of State September 16, 1970.]

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

SECTION 1. Section 1941.1 is added to the Civil Code, to read:

1941.1. A dwelling shall be deemed untenantable for purposes of Section 1941 if it substantially lacks any of the following affirmative standard characteristics:

(a) Effective waterproofing and weather protection of roof and exterior walls, including unbroken windows and doors.

(b) Plumbing facilities which conformed to applicable law in effect at the time of installation, maintained in good working order.

(c) A water supply approved under applicable law, which is under the control of the tenant, capable of producing hot and cold running water, or a system which is under the control of the landlord, which produces hot and cold running water, furnished to appropriate fixtures, and connected to a sewage disposal system approved under applicable law.

(d) Heating facilities which conformed with applicable law at the time of installation, maintained in good working order.

(e) Electrical lighting, with wiring and electrical equipment which conformed with applicable law at the time of installation, maintained in good working order.

(f) Building, grounds and appurtenances at the time of the commencement of the lease or rental agreement in every part clean, sanitary, and free from all accumulations of debris, filth, rubbish, garbage, rodents and vermin, and all areas under control of the landlord kept in every part clean, sanitary, and free from all accumulations of debris, filth, rubbish, garbage, rodents, and vermin.

(g) An adequate number of appropriate receptacles for garbage and rubbish, in clean condition and good repair at the time of the commencement of the lease or rental agreement, with the landlord providing appropriate serviceable receptacles thereafter, and being responsible for the clean condition and good repair of such receptacles under his control.

(h) Floors, stairways, and railings maintained in good repair.

SEC. 2. Section 1941.2 is added to the Civil Code, to read:

1941.2. (a) No duty on the part of the lessor shall arise under Section 1941 or 1942 if the lessee is in substantial violation of any of the following affirmative obligations:

(1) To keep that part of the premises which he occupies and uses clean and sanitary as the condition of the premises permits.

(2) To dispose from his dwelling unit of all rubbish, garbage and other waste, in a clean and sanitary manner.

(3) To properly use and operate all electrical, gas and plumbing fixtures and keep them as clean and sanitary as their condition permits.

(4) Not to permit any person on the premises, with his permission, to willfully or wantonly destroy, deface, damage, impair or remove any part of the structure or dwelling unit or the facilities, equipment, or appurtenances thereto, nor himself do any such thing.

(5) To occupy the premises as his abode, utilizing portions thereof for living, sleeping, cooking or dining purposes only which were respectively designed or intended to be used for such occupancies.

(b) Paragraphs (1) and (2) of subdivision (a) shall not apply if the lessor has expressly agreed in writing to perform the act or acts mentioned therein.

SEC. 3. Section 1942 of the Civil Code is amended to read:

1942. (a) If within a reasonable time after notice to the lessor, of dilapidations which he ought to repair, he neglects to do so, the lessee may repair the same himself, where the cost of such repairs does not require an expenditure greater than one month's rent of the premises, and deduct the expenses of such repairs from the rent, or the lessee may vacate the premises, in which case he shall be discharged from further

payment of rent, or performance of other conditions. This remedy shall not be available to the lessee more than once in any 12-month period.

(b) For the purposes of this section, if a lessee acts to repair and deduct after the 30th day following notice, he is presumed to have acted after a reasonable time. The presumption established by this subdivision is a presumption affecting the burden of producing evidence.

SEC. 4. Section 1942.1 is added to the Civil Code, to read:

1942.1. Any agreement by a lessee of a dwelling waiving or modifying his rights under Section 1941 or 1942 shall be void as contrary to public policy with respect to any condition which renders the premises untenantable, except that the lessor and the lessee may agree that the lessee shall undertake to improve, repair or maintain all or stipulated portions of the dwelling as part of the consideration for rental.

The lessor and lessee may, if an agreement is in writing, set forth the provisions of Sections 1941 to 1942.1, inclusive, and provide that any controversy relating to a condition of the premises claimed to make them untenantable may by application of either party be submitted to arbitration, pursuant to the provisions of Title 9 (commencing with Section 1280), Part 3 of the Code of Civil Procedure, and that the costs of such arbitration shall be apportioned by the arbitrator between the parties.

SEC. 5. Section 1942.5 is added to the Civil Code, to read:

1942.5. (a) If the lessor has as his dominant purpose retaliation against the lessee because of the exercise by the lessee of his rights under this chapter or because of his complaint to an appropriate governmental agency as to tenantability of a dwelling, and if the lessee of a dwelling is not in default as to the payment of his rent, the lessor may not recover possession of a dwelling in any action or proceeding, cause the lessee to quit involuntarily, increase the rent, or decrease any services, within 60 days:

(1) After the date upon which the lessee, in good faith, has given notice pursuant to Section 1942; or

(2) After the date upon which the lessee, in good faith, has filed a written complaint, with an appropriate governmental agency, of which the lessor has notice, for the purpose of obtaining correction of a condition relating to tenantability; or

(3) After the date of an inspection or issuance of a citation, resulting from a written complaint described in paragraph (2) of which the lessor did not have notice; or

(4) After entry of judgment or the signing of an arbitration award, if any, when in the judicial proceeding or arbitration the issue of tenantability is determined adversely to the lessor.

In each instance, the 60-day period shall run from the latest applicable date referred to in paragraphs (1) to (4), inclusive.

(b) A lessee may not invoke the provisions of this section more than once in any 12-month period.

(c) Nothing in this section shall be construed as limiting in any way the exercise by the lessor of his rights under any lease or agreement or any law pertaining to the hiring of property or his right to do any of the acts described in subdivision (a) for any lawful cause. Any waiver by a lessee of his rights under this section shall be void as contrary to public policy.

(d) Notwithstanding the provisions of subdivisions (a) to (c), inclusive, a lessor may recover possession of a dwelling and do any of the other acts described in subdivision (a) within the period or periods prescribed therein if the notice of termination, rent increase, or other act, and any pleading or statement of issues in an arbitration, if any, states the ground upon which the lessor, in good faith, seeks to recover possession, increase rent, or do any of the other acts described in subdivision (a). If such statement be controverted, the lessor shall establish its truth at the trial or other hearing.

SEC. 6. This act shall not apply to any lease, option or other agreement entered into prior to January 1, 1971, except that it shall apply to a lease or hiring of a dwelling which is renewed by agreement, or presumed to have been renewed pursuant to Section 1945 of the Civil Code, after January 1, 1971.

CHAPTER 1281

An act to amend Sections 51201 and 51205 of the Government Code, relating to land for recreational uses.

[Approved by Governor September 16, 1970. Filed with Secretary of State September 16, 1970.]

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 any of the following:

(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 either agricultural use, recreational use as defined in subdivision (n), or open space use as defined in subdivision (o), or any combination of such uses, 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, recreational, or open space use of land within the preserve and subject to contract. "Compatible use" includes agricultural use, recreational use or open space use unless the board or council finds after notice and hearing that such use is not compatible with the agricultural, recreational or open space use to which the land is restricted by contract pursuant to this chapter.

(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) "Recreational use" is the use of land by the public, with or without charge, for any of the following: walking, hiking, picnicking, camping, swimming, boating, fishing, hunting, or other outdoor games or sports for which facilities are provided for public participation. Any fee charged for the recreational use of land as defined in this subdivision shall be in a reasonable amount and shall not have the effect of unduly limiting its use by the public.

(o) "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 51205 of the Government Code is amended to read:

51205. Notwithstanding any provisions of this chapter to the contrary, land devoted to recreational use or 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 recreational or 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 devoted to recreational use and 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 recreational and open space use.

CHAPTER 1282

An act to amend Sections 580a and 726 of the Code of Civil Procedure, to amend Section 29007 of the Education Code, to amend Sections 600, 606, 607, 608, 609, 609.5, 611, 644, 664, 665, 666, 784, 1174, 1550, and 1901 of, to add Section 605 to, and to repeal Section 605 of, the Probate Code, and to amend Sections 13315, 13988, 14192, 14307, 14501, 14502, 14503, 14504, 14505, 14506, 14507, 14511, 14512, 14514, 14515, 14531, 14534, 14535, 14536, 14552, 14553, 14554, 14555, 14574, 14575, 14576, 14591, 14592, 14601, 14734, 14735, 14771, 15572, 15573, 15574, 15575, 15576, 15577, 16503, 16504, and 16505 of, to amend and renumber Sections 14772, 14773, 14773.5, and 14774 of, and to add Sections 14771.5, 14772, 14773, 14774.5, 14778, and 14778.5 to, the Revenue and Taxation Code, relating to inheritance tax appraisers.

[Approved by Governor September 17, 1970. Filed with Secretary of State September 17, 1970.]

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

SECTION 1. Section 580a of the Code of Civil Procedure is amended to read:

580a. Whenever a money judgment is sought for the balance due upon an obligation for the payment of which a deed of trust or mortgage with power of sale upon real property or any interest therein was given as security, following the exercise of the power of sale in such deed of trust or mortgage, the plaintiff shall set forth in his complaint the entire amount of the indebtedness which was secured by said deed of trust or mortgage at the time of sale, the amount for which such real property or interest therein was sold and the fair market value thereof at the date of sale and the date of such

sale. Upon the application of either party made at least 10 days before the time of trial the court shall, and upon its own motion the court at any time may, appoint one of the inheritance tax referees provided for by law to appraise the property or the interest therein sold as of the time of sale. Such referee shall file his appraisal with the clerk and the same shall be admissible in evidence. Such referee shall take and subscribe an oath to be attached to the appraisal that he has truly, honestly and impartially appraised the property to the best of his knowledge and ability. Any referee so appointed may be called and examined as a witness by any party or by the court itself. The court must fix the compensation of such referee in an amount as determined by the court to be reasonable, but such fees shall not exceed similar fees for similar services in the community where such services are rendered, which may be taxed and allowed in like manner as other costs. Before rendering any judgment the court shall find the fair market value of the real property, or interest therein sold, at the time of sale. The court may render judgment for not more than the amount by which the entire amount of the indebtedness due at the time of sale exceeded the fair market value of the real property or interest therein sold at the time of sale with interest thereon from the date of the sale; provided, however, that in no event shall the amount of said judgment, exclusive of interest after the date of sale, exceed the difference between the amount for which the property was sold and the entire amount of the indebtedness secured by said deed of trust or mortgage. Any such action must be brought within three months of the time of sale under such deed of trust or mortgage. No judgment shall be rendered in any such action until the real property or interest therein has first been sold pursuant to the terms of such deed of trust or mortgage, unless such real property or interest therein has become valueless.

SEC. 2. Section 726 of the Code of Civil Procedure is amended to read:

726. There can be but one form of action for the recovery of any debt, or the enforcement of any right secured by mortgage upon real property, which action must be in accordance with the provisions of this chapter. In such action the court may, by its judgment, direct the sale of the encumbered property (or so much thereof as may be necessary), and the application of the proceeds of the sale to the payment of the costs of court, and the expenses of the sale, and the amount due plaintiff, including, where the mortgage provides for the payment of attorney's fees, such sum for such fees as the court shall find reasonable, not exceeding the amount named in the mortgage.

The court may, by its judgment, or at any time after judgment, appoint a commissioner to sell the encumbered property. It must require of him an undertaking in an amount fixed by the court, with sufficient sureties, to be approved by the judge, to the effect that the commissioner will faithfully perform

the duties of his office according to law. Before entering upon the discharge of his duties he must file such undertaking, so approved, together with his oath that he will faithfully perform the duties of his office.

The decree for the foreclosure of a mortgage or deed of trust secured by real property or any interest therein shall declare the amount of the indebtedness or right so secured and, unless judgment for any deficiency there may be between the sale price and the amount due with costs is waived by the judgment creditor or a deficiency judgment is prohibited by Section 580b, shall determine the personal liability of any defendant for the payment of the debt secured by such mortgage or deed of trust and shall name such defendants against whom a deficiency judgment may be ordered following the proceedings hereinafter prescribed. In the event of such waiver, or if the prohibition of Section 580b is applicable the decree shall so declare and there shall be no judgment for a deficiency. In the event that a deficiency is not waived or prohibited and it is decreed that any defendant is personally liable for such debt, then upon application of the plaintiff filed at any time within three months of the date of the foreclosure sale and after a hearing thereon at which the court shall take evidence and at which hearing either party may present evidence as to the fair value of the property or the interest therein sold as of the date of sale, the court shall render a money judgment against such defendant or defendants for the amount by which the amount of the indebtedness with interest and costs of sale and of action exceeds the fair value of the property or interest therein sold as of the date of sale; provided, however, that in no event shall the amount of said judgment, exclusive of interest from the date of sale and of costs exceed the difference between the amount for which the property was sold and the entire amount of the indebtedness secured by said mortgage or deed of trust. Notice of such hearing must be served upon all defendants who have appeared in the action and against whom a deficiency judgment is sought, or upon their attorneys of record, at least 15 days before the date set for such hearing. Upon application of any party made at least 10 days before the date set for such hearing the court shall, and upon its own motion the court at any time may, appoint one of the inheritance tax referees provided for by law to appraise the property or the interest therein sold as of the time of sale. Such inheritance tax referee shall file his appraisal with the clerk and the same shall be admissible in evidence. Such inheritance tax referee shall take and subscribe an oath to be attached to the appraisal that he has truly, honestly and impartially appraised the property to the best of his knowledge and ability. Any inheritance tax referee so appointed may be called and examined as a witness by any party or by the court itself The court must fix the compensation, in an amount as determined by the court to be reasonable, but such fees shall not exceed similar fees for similar services in the community where such

services are rendered, which may be taxed and allowed in like manner as other costs.

No person holding a conveyance from or under the mortgagor of the property mortgaged, or having a lien thereon, which conveyance or lien does not appear of record in the proper office at the time of the commencement of the action need be made a party to such action, and the judgment therein rendered, and the proceedings therein had, are as conclusive against the party holding such unrecorded conveyance or lien as if he had been a party to the action.

If the court appoint a commissioner for the sale of the property, he must sell it in the manner provided by law for the sale of like property by the sheriff upon execution; and the provisions of Chapter 1 (commencing with Section 681), Title 9, Part 2, of this code are hereby made applicable to sale made by such commissioner, and the powers therein given and the duties therein imposed on sheriffs are extended to such commissioner.

In all cases heretofore, now or hereafter pending in the courts of this state, in the event of the death, absence from the state, other disability or disqualification of the commissioner appointed to sell encumbered property under the foregoing provisions of this section, the court may, upon the happening of either the death, absence from the state, other disability or disqualification of the commissioner, appoint an elisor to perform the duties of such commissioner which are then to be performed in such action. The elisor so appointed shall give the undertaking, and take the oath hereinbefore provided to be given and taken by a commissioner, before entering upon the discharge of his duties, and shall thereafter perform all duties left unperformed by the commissioner whom he is appointed to succeed, with like effect as if such duties had been performed by the commissioner.

If the land mortgaged consists of a single parcel, or two or more contiguous parcels, situated in two or more counties, the court may, in its judgment, direct the whole thereof to be sold in one of such counties by the sheriff, commissioner or elisor, as the case may be, and upon such proceedings, and with like effect, as if the whole of the property were situated in that county.

SEC. 3. 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 paragraphs of subdivision (a).

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).

(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 is determined, based on information submitted to him, that the course of instruction has the facilities and the faculty to afford students and require of students the completion of a program of education which will prepare them for the attainment of a recognized professional, vocational, or educational objective; and the curriculum is consistent in content and quality with curricula offered by established institutions that issue the appropriate degree upon the satisfactory completion thereof. For the purpose of this subdivision the Superintendent of Public Instruction may compare with the requirements and standards of an accrediting agency generally accepted by the class of institution concerned. This shall include the determination that the course for which the degree is granted achieves its professed or claimed objective for higher education. The provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code shall be applicable to any determination of the Superintendent of Public Instruction made pursuant to this subdivision.

(3) A corporation which has filed with the Superintendent of Public Instruction an affidavit by the president or other head of the corporation, stating that the corporation owns an interest in real or personal property or both real and personal property used exclusively for the purpose of education, of a fair market value of not less than fifty thousand dollars ($50,000). Such affidavit shall be accompanied by an appraisal

by a state inheritance tax referee 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 In-

struction 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. 4. Section 600 of the Probate Code is amended to read:

600. Within three months after his appointment, or within such further time as the court or judge for reasonable cause may allow, the executor or administrator must file with the clerk of the court an inventory and appraisement of the estate of the decedent which has come to his possession or knowledge together with a copy of the same which copy shall be transmitted by said clerk to the county assessor. The inventory must include the homestead, if any, and all the estate of the decedent, real and personal, particularly specifying all debts, bonds, mortgages, deeds of trust, notes and other securities for the payment of money belonging to the decedent, with the name of each debtor, the date, the sum originally payable, the indorsements thereon, if any, with their dates, and a statement of the interest of the decedent in any partnership of which he was a member, to be appraised as a single item. It must include an account of all moneys belonging to the decedent. The inventory and appraisement shall be prepared in such form as to set down each item separately with the fair market value thereof at the time of the decedent's death in dollars and cents in figures opposite the respective items.

SEC. 5. Section 605 of the Probate Code is repealed.

SEC. 6. Section 605 is added to the Probate Code, to read:

605. (a) The appraisement shall be made by the executor or administrator and an inheritance tax referee as follows:

(1) The executor or administrator shall appraise at fair market value moneys, currency, cash items, bank accounts and amounts on deposit with any financial institution, and the proceeds of life and accident insurance policies and retirement plans payable upon death in lump sum amounts, excepting therefrom such items whose fair market value is, in the opinion of the executor or administrator, an amount different from the ostensible value or specified amount.

As used in this subdivision, "financial institution" means a bank, trust company, federal savings and loan association,

savings institution chartered and supervised as a savings and loan or similar institution under federal or state law, federal credit union or credit union chartered and supervised under state law.

(2) All assets other than those appraised by the executor or administrator pursuant to paragraph (1) shall be appraised by an inheritance tax referee appointed by the court or judge.

(b) The executor or administrator shall furnish to the referee or the Controller such information concerning the assets appraised by him or to be appraised by the referee as the referee or Controller shall require.

(c) The referee shall furnish to the Controller such information concerning the assets appraised by him as the Controller shall require.

(d) The Controller may prescribe the substance and form of information required to be furnished pursuant to this section.

(e) The executor or administrator or his attorney shall not be entitled to receive compensation for extraordinary services by reason of appraising any asset pursuant to this section.

SEC. 7. Section 606 of the Probate Code is amended to read:

606. No clerk of the court or deputy clerk, or partner or employee of the judge, or person related to the judge or to his wife within the third degree, or who is married to a relative of the judge within the third degree, shall be competent to act as inheritance tax referee.

SEC. 8. Section 607 of the Probate Code is amended to read:

607. If any part of the estate is in a county other than that in which letters issued, an inheritance tax referee thereof may in the same manner as above provided be appointed, either by the court or judge having jurisdiction of the estate or by the court or judge of such other county, on request of the court or judge having jurisdiction.

SEC. 9. Section 608 of the Probate Code is amended to read:

608 The appraisement shall be signed by the executor or administrator as to those assets appraised by him and by the inheritance tax referee as to those assets appraised by him. The executor or administrator and the inheritance tax referee shall each subscribe his oath or statement under penalty of perjury that all items thereof which he has appraised have been truly, honestly, and impartially appraised to the best of his ability.

SEC. 10. Section 608 of the Probate Code is amended to read:

608. The appraisement shall be signed by the executor or administrator as to those assets appraised by him and by the inheritance tax referee as to those assets appraised by him The executor or administrator and the inheritance tax referee shall each subscribe his oath or statement under penalty of perjury that all items thereof which he has appraised have been truly,

honestly, and impartially appraised to the best of his ability.

Recognition shall be given to the existence of an enforceable restriction (as defined in Section 422 of the Revenue and Taxation Code) as one of the factors to be used in determining the fair market value of open space lands (as defined in Section 421 of the Revenue and Taxation Code).

SEC. 11. Section 609 of the Probate Code is amended to read:

609. Each referee shall receive from each estate appraised by him as compensation for his services commissions upon the total value of the assets appraised by him as follows: For the first five hundred thousand dollars ($500,000), a fee of one-tenth of 1 percent thereof, but not less than a minimum fee of five dollars ($5); for all over five hundred thousand dollars ($500,000), a fee of one-twentieth of 1 percent thereof. In addition to the fee herein provided each referee is entitled to receive his actual and necessary expenses, to be allowed by the court; and he must file, with the inventory, a verified account of his disbursements.

The fee shall not apply to items appraised by the executor or administrator under the provisions of paragraph (1) of subdivision (a) of Section 605.

SEC. 12. Section 609.5 of the Probate Code is amended to read:

609.5. Where an inheritance tax referee has been appointed and acted pursuant to Section 607, both he and the inheritance tax referee of the county whose superior court has jurisdiction of the estate, appointed to act in the same estate by such court, shall receive such share of the total fee and expenses that any one inheritance tax referee is entitled to under Section 609 as the court shall allow. The total amount of the fee and expenses allowed both such referees shall not exceed the total amount of the fee and expenses allowable in the case of any one inheritance tax referee.

SEC. 13. Section 611 of the Probate Code is amended to read:

611. Whenever property not included in the inventory comes to the possession or knowledge of the executor or administrator, he must cause an inventory and appraisement thereof to be made and filed in the manner prescribed for making and filing the original inventory and appraisement. The inventory and appraisement shall be filed within two months after the discovery, and the making and filing thereof may be enforced, after notice, by attachment or removal from office.

SEC. 15. Section 644 of the Probate Code is amended to read:

644. Upon the filing of any petition provided for by this article, the executor or administrator shall, within such time as the court may allow, cause an inventory and appraisement of the decedent's estate to be made and filed in the manner prescribed by law.

SEC. 16. Section 664 of the Probate Code is amended to read:

664. If the homestead so selected and recorded, as provided in Section 663, is returned in the inventory appraised at not over the amount of the homestead exemption, as provided in the Civil Code and in effect at the date of death of the decedent, or was previously appraised as provided in the Civil Code and such appraised value did not exceed that amount, the court shall order it set apart to the persons in whom title is vested by the preceding section If it is returned in the inventory appraised at more than that amount, the inheritance tax referee must, before he makes his return ascertain and appraise the value of the homestead at the time the same was selected, and if such value exceeds that amount, or if the homestead was appraised as provided in the Civil Code and such appraised value exceeded that amount, he must determine whether the premises can be divided without material injury, and if he finds that they can be thus divided, he must admeasure and set apart to the parties entitled thereto such portion of the premises, including the dwelling house, as will equal in value that amount, and make report thereof, giving an exact description of the portion set apart as a homestead.

SEC. 17. Section 665 of the Probate Code is amended to read:

665. If the inheritance tax referee finds that the value of the premises at the time of their selection exceeded the amount referred to in Section 664, and that they cannot be divided without material injury, he must report such finding, and thereafter the court may make an order for the sale of the premises and the distribution of the proceeds to the parties entitled thereto.

SEC. 18. Section 666 of the Probate Code is amended to read:

666. When the report of the inheritance tax referee is filed, the clerk shall set the same for hearing by the court and give notice thereof for the period and in the manner required by Section 1200 of this code If the court is satisfied that the report is correct, it must be confirmed, otherwise rejected. In case the report is rejected, the court may appoint a new referee to examine and report upon the homestead, and similar proceedings may be had for the confirmation or rejection of his report, as upon the first report.

SEC. 19. Section 784 of the Probate Code is amended to read:

784. No sale of real property at private sale shall be confirmed by the court unless the sum offered is at least 90 percent of the appraised value thereof, nor unless such real property has been appraised within one year of the time of such sale, which value must be the appraised value of such real property within one year prior to the date of such sale. If it has not been so appraised, or if the court is satisfied that the appraisement is too high or too low, a new appraisement

must be had. This may be done at any time before the sale or confirmation thereof. Such new appraisement may be made by the referee who made the original appraisement without further order of the court or further request for the appointment of a new referee. In the case of death, removal or other disability to act of the original referee, or if for just cause, a new referee is to be appointed, proceedings for his appointment shall be had as in the case of an original appraisement of an estate.

SEC. 20. Section 1174 of the Probate Code is amended to read:

1174. The court shall take evidence for or against the petition and may render judgment thereon establishing the fact of the death, which judgment shall be prima facie evidence of the fact of the death.

Any inheritance tax which becomes payable by reason of the death must be paid before the decree is made, and one of the inheritance tax referees provided for by law must be appointed by the court in every such proceeding to determine what if any inheritance tax is payable unless another proceeding is pending in which the taxability of the transfer involved in such proceedings may be determined. If the inheritance tax referee reports that no inheritance tax is payable he shall be paid by the petitioner or petitioners for his services and expenses a reasonable amount to be fixed by the court in which the proceeding is pending.

SEC. 20.5 Section 1174 of the Probate Code is amended to read:

1174. Such petition, or affidavits in support thereof, may be received in evidence and acted upon by the court with the same force and effect as if the petitioner or affiants were personally present and testified to the fact set forth, and the court may render judgment thereon establishing the fact of the death, which judgment shall be prima facie evidence of the fact of the death. The presumption established by this section is a presumption affecting the burden of producing evidence.

Any inheritance tax which becomes payable by reason of the death must be paid before the decree is made, and one of the inheritance tax referees provided for by law must be appointed by the court in every such proceeding to determine what if any inheritance tax is payable unless another proceeding is pending in which the taxability of the transfer involved in such proceedings may be determined. If the inheritance tax referee reports that no inheritance tax is payable he shall be paid by the petitioner or petitioners for his services and expenses a reasonable amount to be fixed by the court in which the proceeding is pending.

SEC. 21. Section 1550 of the Probate Code is amended to read:

1550. Within three months after his appointment, or within such further time as the court or judge for a reasonable cause may allow, the guardian must file with the clerk of the court an

inventory and appraisement of the state of his ward, together with a copy of the same which copy shall be delivered by the clerk to the county assessor. The guardian shall make oath to the inventory, and the property therein described shall be appraised by the guardian and an inheritance tax referee in the manner provided for the inventory and appraisement of estates of decedents The guardian may appraise the assets which an executor or administrator could appraise under Section 605 Whenever any ward is or has been during the guardianship confined in a state hospital in this state the guardian must deliver or mail a copy of the inventory to the Director of Mental Hygiene at his office in Sacramento Whenever any property of the ward is discovered which was not included in the inventory, and whenever any other property has been inherited or acquired by the ward, other than by purchase by the guardian, like proceedings must be had for the inventory and appraisement thereof and the delivery or mailing of a copy thereof as are herein provided in relation to the first inventory.

SEC. 22. Section 1901 of the Probate Code is amended to read:

1901. Within three months after his appointment, or within such further time as the court or judge for a reasonable cause may allow, the conservator of the estate or person and estate of a conservatee shall file with the clerk of the court an inventory and appraisement of the estate of the conservatee, made as of the date of the appointment of the conservator, together with a copy of the same, which copy shall be delivered by the clerk to the county assessor. The conservator shall make oath to the inventory and the property therein described other than money must be appraised, by a conservator and an inheritance tax referee in the manner provided for the inventory and appraisement of estates of decedents The conservator may appraise the assets which an executor or administrator could appraise under Section 605. Whenever any conservatee is or has been during the conservatorship confined in a state hospital in this state, the conservator shall deliver or mail a copy of the inventory to the Director of Mental Hygiene at his office in Sacramento. Whenever any other property of the conservatee is discovered, or is inherited or acquired by the conservatee other than by the actions of the conservator in the investment and management of the estate, like proceedings must be had for the inventory and appraisement thereof as in the case of the original inventory.

SEC. 23 Section 13315 of the Revenue and Taxation Code is amended to read:

13315 "Inheritance tax referee" means the inheritance tax referee of the county of the superior court having jurisdiction.

SEC. 24. Section 13988 of the Revenue and Taxation Code is amended to read:

13988. The ordinary expenses of administration in the estate of any decedent are deductible from the appraised value of property included in any transfer subject to this part made by the decedent.

Included in "ordinary expenses of administration" are the following:

(a) The ordinary commissions allowed executors and administrators under Section 901 of the Probate Code, computed on the value of the decedent's estate as of the date of the decedent's death.

(b) The ordinary fees allowed attorneys for executors and administrators under Section 910 of the Probate Code, computed on the value of the decedent's estate as of the date of the decedent's death.

(c) Any fees and expenses paid to the inheritance tax referee under this part out of the property transferred or by the transferee.

SEC. 25. Section 14192 of the Revenue and Taxation Code is amended to read:

14192. No compromise pursuant to this article is legally effective until the superior court having jurisdiction by order confirms a report of the inheritance tax referee prepared in accordance with the settlement. The order constitutes a final determination of the matters covered by it, and the payment of the tax as fixed by the order discharges the executor, administrator, or trustee from all liability with respect to the tax

SEC. 26. Section 14307 of the Revenue and Taxation Code is amended to read:

14307. In the case of a transfer conforming to Articles 3 (commencing with Section 13641) and 4 (commencing with Section 13671) of Chapter 4 of this part the Controller, the inheritance tax attorney, a subordinate inheritance tax attorney, or an inheritance tax referee, upon satisfactory proof that no inheritance tax is due which would be a lien on the property transferred by reason of the death of the transferor, may release all or any portion of such property from any lien imposed by this part to which the property might otherwise be subject.

A certificate by the Controller, the inheritance tax attorney, a subordinate inheritance tax attorney, or an inheritance tax referee to the effect that any property or interest therein has been released from any lien imposed by this part shall be conclusive evidence as to any bona fide purchaser encumbrancer, or lessee of said property that the property described in the certificate has been released

SEC 27. Section 14501 of the Revenue and Taxation Code is amended to read:

14501. (a) At or prior to the time of the appointment of the inheritance tax referee pursuant to Section 605 of the Probate Code, the superior court having jurisdiction in probate of the estate of any decedent, or a judge of that court,

shall designate and appoint an inheritance tax referee to ascertain and submit a report to the court on the following:

(1) The clear market value of the property included in each transfer subject to this part from the decedent to any person sharing in the estate, whether the property transferred is in the estate or not. In ascertaining clear market value, the referee may require the executor or administrator to furnish such information concerning the assets appraised by the executor or administrator as will enable the referee to determine the accuracy of the appraisal made by the executor or administrator.

(2) The amount of tax, if any, which is due and payable on each transfer.

(3) Such other facts regarding the tax as will assist the court in the determination of the tax.

(b) The Judicial Council may by rule provide for the method of distribution within each county of appointments to cases of inheritance tax referees from the panel.

SEC. 28. Section 14502 of the Revenue and Taxation Code is amended to read:

14502. Upon his designation and appointment the inheritance tax referee has:

(a) Jurisdiction to require the attendance before him of the executor, administrator, any person interested in the estate, or any other person who he may have reason to believe possesses knowledge of the estate, of any property transferred by the decedent by a transfer subject to this part, or of any facts that will aid the referee or the court in the determination of the tax.

(b) All the powers of a referee of the superior court.

SEC. 29. Section 14503 of the Revenue and Taxation Code is amended to read:

14503. The referee may issue subpoenas compelling the attendance of any person before him for the purpose of:

(a) Appraising any property included in any transfer subject to this part made by the decedent.

(b) Determining the amount of any tax due and payable on the transfer.

SEC. 30. Section 14504 of the Revenue and Taxation Code is amended to read:

14504. The referee may examine and take the testimony under oath of any person appearing before him concerning any transfer subject to this part made by the decedent, the property included in the transfer, and the value of the property.

SEC. 31. Section 14505 of the Revenue and Taxation Code is amended to read:

14505. Any person served with a subpoena issued by the referee requiring him to appear and testify before the referee in respect to any appraisement, or to produce any book or paper under his control or custody which is relevant to the

appraisement, who refuses or neglects to do so, is guilty of a contempt of the court by whom the referee was designated and appointed.

SEC. 32. Section 14506 of the Revenue and Taxation Code is amended to read:

14506. Upon the completion of the appraisement the referee shall file a written report with the superior court setting forth the following:

(a) The clear market value of the property included in each transfer subject to this part from the decedent to any person sharing in the estate, whether the property transferred is in the estate or not.

(b) The amount of tax which is due and payable on each transfer.

(c) Such other facts as may advise the court in regard to the tax, or which the court may require.

In addition to filing the report, the referee may file with the court any deposition, exhibit, other evidence, or other information taken before or submitted to him.

In the case of any amount required to be shown on a form prescribed by the Controller for any return, statement, report, or other document, if such amount of such item is other than a whole-dollar amount, the fractional part of a dollar may be disregarded unless it amounts to one-half dollar or more, in which case the amount (determined without regard to the fractional part of a dollar) shall be increased by one dollar ($1). The provisions of this section shall not be applicable to items which must be taken into account in making the computations necessary to determine the amount required to be shown on the form, but shall be applicable only to such final amount.

SEC. 33. Section 14507 of the Revenue and Taxation Code is amended to read:

14507. Upon filing the report the referee shall mail a copy to the Controller.

SEC. 34. Section 14511 of the Revenue and Taxation Code is amended to read:

14511. If an objection is filed, the clerk of the superior court shall fix a time, not less than 10 days after the filing, for a hearing on the objection, and shall give notice of the hearing by posting a notice of hearing at the courthouse in the county where the court holds its sessions, and by forthwith mailing a copy of the objection and of the notice to the Controller, the county treasurer, and the inheritance tax referee.

SEC. 35. Section 14512 of the Revenue and Taxation Code is amended to read:

14512. For the purpose of the hearing the report of the inheritance tax referee is presumed to be correct, and at the hearing it is the duty of the objector to proceed in support of his objection

SEC. 36. Section 14514 of the Revenue and Taxation Code is amended to read:

14514. If it appears to the inheritance tax referee upon the completion of the appraisement that no tax is due and payable in the estate, he may so certify to the superior court At any time thereafter, if no objection to the certificate has been filed, the court or a judge of the court may, without further notice, make an order declaring that no tax is due and payable in the estate, or may make such other order as to it may seem appropriate.

SEC. 37. Section 14515 of the Revenue and Taxation Code is amended to read:

14515. Where a decedent leaves no one to take his estate under the laws of this state, no report or certificate shall be filed by the inheritance tax referee, and no order fixing tax or declaring that no tax is due and payable shall be made by the court. If the estate is distributed to the State of California and thereafter, pursuant to law, a petition is filed in the Superior Court of the County of Sacramento showing the petitioner's claim or right to the estate or the proceeds thereof, the court shall appoint an inheritance tax referee for the County of Sacramento to ascertain and report to the court the amount of tax, if any, that is due and payable. The procedure subsequent to the appointment is the same as that prescribed by this article following the appointment of a referee by a superior court having jurisdiction in probate of the estate of any decedent.

SEC. 38. Section 14531 of the Revenue and Taxation Code is amended to read:

14531. If, upon the petition of the Controller, it appears to the superior court having jurisdiction (a) that a transfer subject to this part has been made as to which the taxability, tax liability, and amount of tax have not been determined, and (b) that no proceedings are pending in any court in this state in which these matters may be determined, the court shall issue a citation ordering and directing any person who appears liable for the tax, or is known to own all or any part of the property transferred, to appear at a hearing either before the court or before a designated inheritance tax referee at a specified time and place, not less than 10 days nor more than one year from the date of the citation, to be examined under oath by the court or by the referee, as the case may be, concerning the transfer and all facts connected with it, and concerning the property transferred and its character and value.

SEC. 39. Section 14534 of the Revenue and Taxation Code is amended to read:

14534. For the purpose of the hearing, and in ascertaining any facts concerning the taxability of the transfer or the amount of any tax due and payable thereon, the inheritance tax referee:

(a) May issue subpoenas, may administer oaths, and may take the testimony under oath of witnesses concerning the

transfer, the property transferred, and the value of the property.

(b) Has all the powers of a referee of the superior court.

SEC. 40. Section 14535 of the Revenue and Taxation Code is amended to read:

14535. Upon the completion of the hearing the referee shall file with the superior court a report containing his findings and conclusions relative to the transfer and any tax due and payable thereon. In addition to filing the report, the referee may file with the court any deposition, exhibit, other evidence, or other information taken before him or submitted to him.

The procedure subsequent to the filing of the report is the same as the procedure applicable following the filing of an inheritance tax report with a superior court having jurisdiction in probate of the estate of any decedent by a referee appointed by that court.

SEC. 41. Section 14536 of the Revenue and Taxation Code is amended to read:

14536. Except as otherwise provided in this part, the time, manner, and proof of service of any citation issued pursuant to this article, the hearing on the citation, any hearing on the report filed by the referee, the determination of any hearing, and the enforcement of the resulting order, decree, or judgment shall conform to the provisions of Chapter 22 (commencing with Section 1200) of Division 3 of the Probate Code.

SEC. 42. Section 14552 of the Revenue and Taxation Code is amended to read:

14552. Upon the filing of the petition the court shall, by order, designate and appoint an inheritance tax referee to ascertain and report to the court the amount of tax, if any, due and payable on the transfer for which the petitioner is liable. Upon the entry of such order, the petition and the matter to which it relates shall be deemed referred to such referee for all purposes.

SEC. 43. Section 14553 of the Revenue and Taxation Code is amended to read:

14553. A copy of the petition and of the order shall be forthwith mailed to the Controller, and to the inheritance tax referee.

SEC. 44. Section 14554 of the Revenue and Taxation Code is amended to read:

14554. Upon his designation and appointment the referee has the same powers as an inheritance tax referee who is designated and appointed in a probate proceeding to make an inheritance tax appraisement.

SEC. 45. Section 14555 of the Revenue and Taxation Code is amended to read:

14555. The procedure subsequent to the reference of the petition and the matter to which it relates to the referee is the same as the procedure applicable following the designation and appointment of an inheritance tax referee to make an inherit-

ance tax appraisement by a superior court having jurisdiction in probate of the estate of any decedent.

SEC. 46. Section 14574 of the Revenue and Taxation Code is amended to read:

14574. At any time after issue is joined in the action the court, either upon its own motion or upon the motion of any interested party, may by order designate and appoint an inheritance tax referee to hear the matter and report to the court on the hearing. The court in the order shall:

(a) Fix a time and place for the hearing before the referee.

(b) Direct notice of the time and place for the hearing to be given in such manner as the court shall deem proper.

(c) Refer the matter to the referee.

SEC. 47. Section 14575 of the Revenue and Taxation Code is amended to read:

14575. Upon his designation and appointment the referee has the same powers as an inheritance tax referee who is designated and appointed in a probate proceeding to make an inheritance tax appraisement.

SEC. 48. Section 14576 of the Revenue and Taxation Code is amended to read:

14576. The procedure subsequent to the reference of the matter to the referee is the same as the procedure applicable following the designation and appointment of an inheritance tax referee to make an inheritance tax appraisement by a superior court having jurisdiction in probate of the estate of any decedent.

SEC. 49. Section 14591 of the Revenue and Taxation Code is amended to read:

14591. The inheritance tax referee acting in a proceeding for the determination of tax covered by Article 1 of this chapter shall, in addition to any other duty, notify the Controller of any property which he finds was transferred by the decedent in his lifetime by a transfer subject to the gift tax imposed by Part 9 of this division, where the gift return required by Part 9 has not been made and the property either is included in the probate estate or was transferred to any person sharing in that estate.

SEC. 50. Section 14592 of the Revenue and Taxation Code is amended to read:

14592. The inheritance tax referee acting in a proceeding for the determination of tax covered by Article 2, 3, or 4 of this chapter shall, in addition to any other duty, notify the Controller of any property which he finds was transferred by the decedent in his lifetime by a transfer subject to the gift tax imposed by Part 9 of this division, where the gift return required by Part 9 has not been made.

SEC. 51. Section 14601 of the Revenue and Taxation Code is amended to read:

14601. An order fixing tax or declaring that no tax is due and payable is conclusive only as to such property as may have been returned in the inventory or inventory and appraisement

in the probate proceeding, or as may have been included in transfers disclosed to the inheritance tax referee before making his report or issuing his certificate.

SEC. 52. Section 14734 of the Revenue and Taxation Code is amended to read:

14734. The department shall cooperate with, advise, and assist inheritance tax referees, county treasurers, and other officers and persons in the administration and enforcement of this part and of Part 9 of this division.

SEC. 53. Section 14735 of the Revenue and Taxation Code is amended to read:

14735. The department shall prepare, publish, and distribute such blank forms for use by inheritance tax referees or others as the Controller may direct.

SEC. 54. Section 14771 of the Revenue and Taxation Code is amended to read:

14771. The Controller shall appoint from among persons passing a qualification examination administered by the State Personnel Board at least one person in each county to act as an inheritance tax referee for the county. Such appointments shall be made on the basis of merit without regard to sex, race, religious creed, color, national origin, ancestry, marital status, or political affiliation.

In the event there are less than three regularly qualified applicants to serve in a county, the Controller may designate an inheritance tax referee from another county or in the event there is no regularly qualified applicant make an interim appointment, to serve until the vacancy has been filled by a regularly qualified applicant.

As soon as practical after the operative date of this act, the Controller shall stagger the terms of the then appointed inheritance tax referees so that one-quarter, or as close to one-quarter as possible, of them expire on June 30 of each of the next four succeeding years. Thereafter, the term of office of an inheritance tax referee shall be four years, expiring on June 30. In increasing the inheritance tax referees in any county thereafter, the Controller shall stagger the terms of the new appointees to conform as nearly as practicable to the requirements of this paragraph.

For purposes of this section, any person who has passed the qualification examination for inheritance tax appraiser given in 1967 or 1970 shall be deemed a qualified applicant. Once qualified an applicant remains eligible for appointment for a period of five years from the date of his examination. Once appointed an inheritance tax referee remains eligible for reappointment

SEC. 54.5. Section 14771.5 is added to the Revenue and Taxation Code, to read:

14771.5. Qualification examinations for applicants for appointment as an inheritance tax referee shall be held at such times and at such places within the state as the Controller determines.

The Controller shall contract with the State Personnel Board to administer such examination. Each applicant shall pay a fee for taking the examination as is established by the State Personnel Board.

SEC. 55. Section 14772 is added to the Revenue and Taxation Code, to read:

14772. The Controller may establish and amend standards of training, performance and ethics of inheritance tax referees. Such standards are public records.

SEC. 56. Section 14772 of the Revenue and Taxation Code is amended and renumbered to read:

14774. For the services performed by him pursuant to this part, the inheritance tax referee shall be paid out of the inheritance tax money in the hands of the treasurer of the county in which he acts:

(a) Such reasonable compensation as the superior court of the county, or a judge of that court, shall fix.

(b) Such actual and necessary traveling and other incidental expenses, including fees paid to witnesses subpoenaed by him, as the court or judge shall allow.

No payment shall be made unless the claim for payment is first approved by the Controller.

Any payment under this section is in addition to any other payment to the referee pursuant to Section 609 of the Probate Code.

SEC. 57. Section 14773 is added to the Revenue and Taxation Code, to read:

14773. (a) An inheritance tax referee may be removed for noncompliance with any standard of training, performance or ethics established under Section 14772.

Any removal under this subdivision shall not be subject to notice or a hearing, but shall be reviewable by writ of mandate to a court of competent jurisdiction.

(b) Notwithstanding the provisions of subdivision (a) or Section 14771, within any one year, the Controller may also remove, at his pleasure, at least one inheritance tax referee, but not more than 10 percent of the inheritance tax referees in any one county.

SEC. 58. Section 14773 of the Revenue and Taxation Code is amended and renumbered to read:

14775. For any appraisal of property made by an inheritance tax referee to determine the taxability of any transfer, as to which appraisal the referee does not receive any compensation or expenses under Section 609 of the Probate Code, the referee shall receive out of the property transferred or from the transferee the fees and expenses, specified in Section 609 of the Probate Code.

Any payment under this section is in addition to any other payment to the referee pursuant to this part and is in lieu of any payment to him pursuant to Section 1174 of the Probate Code.

SEC. 59. Section 14773.5 of the Revenue and Taxation Code is amended and renumbered to read:

14776. Where any property subject to the jurisdiction of any court in any proceeding instituted pursuant to Chapter 11 (commencing with Section 14501) of this part is located in a county other than the one in and for which the court acts, the court shall appoint an inheritance tax referee of such other county to appraise the property and submit a report thereon.

Any such referee shall receive such share of the inheritance tax referee's fee and expenses payable pursuant to Section 14775 from the inheritance tax referee of the county of the court having jurisdiction, appointed by that court in such proceeding, as the court shall allow. The total amount of the fee and expenses allowed both such referees shall not exceed the total amount of the fee and expenses allowable in the case of any one inheritance tax referee.

SEC. 60. Section 14774 of the Revenue and Taxation Code is amended and renumbered to read:

14777. Any inheritance tax referee who takes any fee or reward not allowed him by law from any person liable for the payment of the whole or any portion of any tax imposed by this part is guilty of a misdemeanor, and upon conviction is punishable by a fine of not less than two hundred fifty dollars ($250) nor more than five hundred dollars ($500), or by imprisonment in the county jail for 90 days, or by both. In addition, the court shall dismiss him from service as a referee.

SEC. 60.5. Section 14774.5 is added to the Revenue and Taxation Code, to read:

14774.5. Whenever property is required to be appraised for the purpose of determination of tax under this part, the appraisal shall be made in the manner provided by Section 605 of the Probate Code.

The appraisal of all assets which an executor or administrator could make under Section 605 of the Probate Code may be made by the executor or administrator, and if there is none by the petitioner in the court proceedings, and if there is neither, by the heir or transferee requesting consent to transfer or other action of the Controller or inheritance tax referee.

SEC. 61. Section 14778 is added to the Revenue and Taxation Code, to read:

14778. (a) An inheritance tax referee or any person who is an applicant for or seeking an appointment as an inheritance tax referee shall not, directly or indirectly, solicit, receive, or contribute, or be in any manner concerned in soliciting, receiving or contributing, any assessment, subscription, contribution, or political service for any campaign for the office of Controller of this state.

(b) An inheritance tax referee or any person who is an applicant for or seeking an appointment as an inheritance tax referee shall not, directly or indirectly, solicit, receive, or con-

tribute, or be in any manner concerned in soliciting, receiving or contributing, any assessment, subscription, or contribution for any campaign for any partisan public office of this state, other than for the office of Controller, exceeding two hundred dollars ($200) to any party or candidate in any one year.

(c) Any violation of the provisions of this section is a misdemeanor.

SEC. 61.5. Section 14778.5 is added to the Revenue and Taxation Code, to read:

14778.5. The Controller shall not appoint any person as an inheritance tax referee who has directly or indirectly solicited, received, or contributed, or was in any manner concerned in soliciting, receiving, or contributing, any assessment, subscription, contribution, or political service for any campaign for the office of Controller of this state or who has directly or indirectly solicited, received or contributed, or was in any manner concerned in soliciting, receiving or contributing, any assessment, subscription or contribution for any campaign for any partisan public office of this state, other than the office of Controller, exceeding two hundred dollars ($200) to any party or candidate in any one year within the two-year period preceding the date of his appointment. The appointment of any such person as an inheritance tax referee shall be void; however, all acts performed by such person prior to his removal are valid. This section shall not apply to the above activities of a person prior to the operative date of this section.

SEC. 62. Section 15572 of the Revenue and Taxation Code is amended to read:

15572. At any time before the filing of the gift return for the donor and before the filing of the inheritance tax referee's inheritance tax report including the gift, the executor or administrator in the probate proceeding involving the donor's estate, the donee, or the respondent in any other proceeding in which the amount of inheritance tax on the transfer will be determined, may file in the proceeding an "election for gift tax valuation."

SEC. 63. Section 15573 of the Revenue and Taxation Code is amended to read:

15573. The election shall show such information as may be required by the Controller, and shall state that the person filing it:

(a) Concedes that the gift is subject to inheritance tax.

(b) Elects that the appointed inheritance tax referee shall value the gift for gift tax as well as inheritance tax purposes.

SEC. 64. Section 15574 of the Revenue and Taxation Code is amended to read:

15574. A copy of the election shall be served on the inheritance tax referee prior to or concurrently with the filing of the election, or, if the referee has not yet been appointed when the election is filed, shall be served on the referee immediately after his appointment.

SEC. 65. Section 15575 of the Revenue and Taxation Code is amended to read:

15575. As soon as possible after the filing and serving of the election, the inheritance tax referee shall without charge appraise the property involved as of the date of the gift and send a report of the appraisal in a form prescribed by the Controller to the person filing the election, showing the value of the gift for gift tax purposes.

SEC. 66. Section 15576 of the Revenue and Taxation Code is amended to read:

15576. The original of the referee's report shall be filed as part of the gift return and shall constitute prima facie evidence of the value of the gift for gift tax purposes.

SEC. 67. Section 15577 of the Revenue and Taxation Code is amended to read:

15577. If the referee's report is not received in time so that it can be filed as part of the gift return within the time during which the gift return may be filed without penalty, the gift return shall contain a statement of the facts and may be filed without the report. The Controller shall for such cases prescribe by rule for the manner of filing the report later or for other means of determining the value of the property.

SEC. 68. Section 16503 of the Revenue and Taxation Code is amended to read:

16503. In such cases as he deems proper, the Controller may designate an inheritance tax referee to appraise and report to the Controller upon the fair market value of any transfer subject to the tax imposed by this part.

SEC. 69. Section 16504 of the Revenue and Taxation Code is amended to read:

16504. For his services in making the appraisal, the referee shall be paid by the person liable for the payment of the tax on the transfer involved the fees and expenses specified in Section 609 of the Probate Code.

SEC. 70. Section 16505 of the Revenue and Taxation Code is amended to read:

16505. The report of the referee shall state the appraised value of the transfer and the amount of the referee's fee and reasonable expenses. The report is a public record.

SEC. 71. Section 54.5 of this act shall become operative on the 61st day after the final adjournment of the 1970 Regular Session of the Legislature and the remainder of this act shall become operative on and after 12:01 a.m. on July 1, 1971, as to all decedents except those with respect to whom a probate or other proceeding instituted prior to said time is pending in which inheritance tax due by reason of the decedent's death may be fixed. Any inheritance tax appraiser who renders services prior to the operative date of this act who would have been paid fees of any type therefor, except for the operative effect of this act, shall be compensated for the services performed in proportion to the total compensation which would

otherwise have been received if this act had not become operative and such services had been completed.

SEC. 72. It is the intent of the Legislature, if amendments to Section 608 of the Probate Code proposed by both this bill and A.B. 458 are enacted, that both amendments be given effect and incorporated in Section 608 in the form set forth in Section 10 of this act Therefore, in the event A.B. 458 is enacted and amends Section 608, Section 10 of this act shall become operative on the operative date of this act and Section 9 of this act shall not take effect.

SEC. 73. It is the intent of the Legislature if amendments to Section 1174 of the Probate Code proposed by this bill and either Senate Bill 427 or Assembly Bill 2209 are enacted, that both amendments be given effect and incorporated in Section 1174 in the form set forth in Section 20.5 of this act. Therefore, in the event either Senate Bill 427 or Assembly Bill 2209 is enacted and amends Section 1174, Section 20.5 of this act shall become operative on the operative date of this act and Section 20 of this act shall not take effect.

CHAPTER 1283

An act to provide for the establishment of the Humboldt Bay Harbor, Recreation, and Conservation District; to provide for the calling of elections therefor; describing the powers, duties, and functions thereof, authorizing the district to borrow money and issue bonds for district purposes; to provide means of raising revenues for the operation, maintenance and bond redemption of the district; and to provide for the transfer to such district of tide and submerged lands.

[Approved by Governor September 17, 1970. Filed with Secretary of State September 17, 1970.]

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

CHAPTER 1. GENERAL PROVISIONS

SECTION 1. This act shall be known and may be cited as the Humboldt Bay Harbor, Recreation, and Conservation District Act. The district created in accordance with the provisions of this act is a public corporation created for the purposes set forth herein.

SEC. 2. It is hereby declared to be the policy of the State of California to develop the harbors and ports of this state for multiple purpose use for the benefit of the people. A necessity exists within Humboldt County for such development. Because of the separate cities and unincorporated populated areas in the area hereinafter described, only a specially created district can operate effectively in developing the harbors and port facilities, and in developing and protecting the natural resources of the area. Because of the unique problems pre-

sented by this area, and the facts and circumstances relative to the development of harbor and port facilities, and to the development and protection of the natural resources of the area, the adoption of a special act and the creation of a special district is required.

SEC. 3. For the purposes of this act the following words shall have the following meanings:

(a) "District" shall mean the Humboldt Bay Harbor, Recreation, and Conservation District.

(b) "Board" or "board of commissioners" shall mean the Board of Commissioners of the Humboldt Bay Harbor, Recreation, and Conservation District.

(c) "County" shall mean the County of Humboldt.

(d) "Board of supervisors" shall mean the Board of Supervisors of Humboldt County.

(e) "Area" shall mean the territory within the district's jurisdiction.

(f) "Humboldt Bay" or "Humboldt Bay Harbor" shall mean the land and overlying waters, to the limit of tidal action, of what is commonly known as Humboldt Bay, including the land and overlying waters of all streams and estuaries tributary thereto to the limit of tidal action.

SEC. 4. A district for the acquisition, construction, maintenance, operation, development and regulation of harbor works and improvements, including rail, water and air terminal facilities, for the development, operation, maintenance, control, regulation and management of Humboldt Bay upon the tidelands and lands lying under the inland navigable waters of Humboldt Bay, for the promotion of commerce, navigation, fisheries, and recreation thereon, and for the development and protection of the natural resources of the area, may be established or organized and governed as provided in this act and it may exercise the powers expressly granted herein.

Anything herein to the contrary notwithstanding, the powers and authority granted herein shall not apply to public utilities operated under the jurisdiction of the Public Utilities Commission of the State of California.

SEC. 5. The area to be embraced in the district shall include all of the incorporated areas of the Cities of Arcata and Eureka, and such unincorporated territory in the county as is approved by the Local Agency Formation Commission, and the Board of Supervisors of the County of Humboldt, and by the voters of the proposed district at a district formation election.

SEC. 5.5. The jurisdiction of the district to exercise its powers shall extend only over the following:

(a) All tide, submerged and other lands granted to the district.

(b) Humboldt Bay as defined in subdivision (f) of Section 3 of this act, including all rivers, sloughs, estuaries and areas tributary to Humboldt Bay, subject to tidal action as of the effective date of this act, provided that only those portions of

Gunther, Woodley, and Daby Islands bayward of the mean high tide line shall be under the jurisdiction of the district.

CHAPTER 2. FORMATION OF THE DISTRICT

Article 1. Initiation of Proceedings

SEC. 5.6. A proposal to form the district shall be submitted to the Humboldt County Local Agency Formation Commission pursuant to the provisions of Chapter 6.6 (commencing with Section 54773) of Part 1 of Division 2 of Title 5 of the Government Code The local agency formation commission shall not approve a proposal to form the district unless the boundaries of the proposed district shall encompass the entire incorporated territory of the Cities of Arcata and Eureka.

SEC. 6. After a proposal to form the district has been approved by the local agency formation commission, proceedings for the formation of the district may be initiated either by a resolution of intention to form the district adopted by the board of supervisors, or by petition Whenever 50 or more persons residing within the area of the proposed district desire to form the district, they may sign and present to the board of supervisors a petition in writing.

SEC 7. The petition or resolution of intention shall contain:

(a) A declaration calling for the creation of the Humboldt Bay Harbor, Recreation, and Conservation District.

(b) A declaration setting forth the boundaries of the proposed district.

(c) A declaration setting forth the following purposes to be served within the jurisdiction by creation of the district:

(1) Improvement of navigation and commerce through maintenance and construction of channels, shipways, berths, anchorage places, turning basins, breakwaters, bulkheads, wharves, processing plants, warehouses, roads, spur tracks or beltline railways, and any other work that is deemed necessary that would not otherwise be accomplished by other public or private agencies.

(2) Planning, designation, and protection of wildlife habitats, establishment of open space areas and areas provided for recreational use with open access for the public, protection, conservation, supervision and improvement of the wildlife, fish resources and the ecology of the area, and control and enhancement of the aesthetic appearance of the areas within the jurisdiction of the district.

(3) Regulation of use and control of pollution, dredging, and filling of areas that are subject to district jurisdiction through planning, zoning, and policing, subject to the limitations provided in Section 20 of this act.

SEC. 8. Each signer of a petition shall be a registered voter and property owner within the district.

SEC. 9. To initiate formation proceedings by resolution, the board of supervisors, at a regular meeting, shall adopt a resolution containing the matters required by Section 7. To initiate formation proceedings by petition, the proponents of formation shall submit to the board of supervisors, at a regular meeting, a petition which complies with the provisions of Sections 6, 7 and 8.

Article 2. Hearing on Formation

SEC. 10. Upon receipt of a formation petition or passage of a resolution of intention to form the district, the board of supervisors shall fix a date for a hearing on the proposal to form the district. The date shall be not less than 20 nor more than 40 days from receipt of the petition or passage of the resolution.

SEC. 10.1. Notice of the hearing shall be published pursuant to Section 6066 of the Government Code in a newspaper of general circulation which is circulated within the proposed district.

SEC. 10.2. Upon receipt of a formation petition the board of supervisors shall cause its clerk to ascertain whether the petition is signed by the requisite number of qualified persons and to report back to the board of supervisors at the formation hearing.

The appearance of a person's name on the last equalized assessment roll of the county for land located within the proposed district shall be prima facie evidence that the person is a property owner within the district. The appearance of a person's name as a registered and uncanceled voter of the county residing within the boundaries of the proposed district shall be prima facie evidence that the person is a resident of the proposed district.

SEC. 11. At the time and place specified in the notice, the board of supervisors shall consider the petition or resolution and may continue the hearing from time to time, not exceeding a period of 90 days

At the hearing the board of supervisors shall investigate and determine whether or not the harbor improvement and development work, and the development, protection, and conservation of the natural resources of the Humboldt Bay area, generally described in the petition or in the resolution of intention, is feasible and will result in the improvement and development of harbors and in the development, protection, and conservation of the natural resources of the area.

If it appears, and the board of supervisors finds, that it is necessary in order to make sufficient and adequate investigation upon which to determine such questions to continue the hearing beyond 90 days, the board of supervisors may do so, but the hearing shall be completed within six months from the date of the presentation of the petition or hearing on the resolution of intention.

SEC. 11.5. At any time not later than 30 days after the conclusion of the hearing, the board of supervisors shall adopt a resolution approving or disapproving the formation of the district. A resolution approving the formation of the district shall find at least the following:

(a) That notice of the hearing by the board of supervisors was duly published pursuant to Section 10.1.

(b) If proceedings have been initiated by petition, that the petition was signed by the requisite number of qualified signers.

(c) That a harbor exists within the proposed district.

(d) That the harbors can be improved and developed as generally described in the petition or in the resolution of intention.

(e) That it is desirable and feasible to undertake the development, protection, and conservation of the natural resources of the area as generally described in the petition or in the resolution of intention.

SEC. 12. The findings are conclusive evidence of the existence of every fact so found by the board of supervisors and vest the board of supervisors with authority to proceed pursuant to this act.

Article 3. Election on Formation: Election of Commissioners

SEC. 12.1. The board of supervisors, upon making such findings and approving the formation of the district, shall pass a resolution calling an election in the area to be included within the district, for the purpose of submitting to the qualified voters the proposition of the formation of the district and the election of persons to the board of commissioners.

SEC. 12.5. The board of supervisors, by resolution, shall fix the date of the election and it shall make an order dividing the area of the proposed district into five divisions, which shall be as equal in population as may be.

SEC. 13. Except as otherwise provided in this act, the formation election shall be conducted in accordance with the general election laws of this state so far as applicable. An election called pursuant to the provisions of this act may be consolidated with any other election pursuant to the provisions of Chapter 4 (commencing with Section 23300) of Part 2 of Division 12 of the Elections Code.

SEC. 14. A candidate for election to the board of commissioners shall be a resident and qualified elector of the proposed district, and shall qualify for election by securing a nomination paper proposing his candidacy signed by not less than 25 qualified electors of the district who reside within the division within which the candidate resides

At the first election for commissioners, all candidates shall file their nomination papers with the county clerk of the county, not more than 65 nor less than 50 days before the day of election, and all candidates for commissioners at any subse-

quent election shall file nomination papers with the board not more than 85 nor less than 60 days before the day of election.

SEC. 15 Although nominated from a particular division of the district in accordance with this section, such persons shall be elected at large within the district. The candidate for each division receiving the highest number of votes shall be elected to the board.

SEC. 15.5. The members of the board first elected upon the formation of the district shall classify themselves by lot so that two of them shall hold office until the election and qualification of their successors at the first succeeding general district election, and three of them shall hold office until the election and qualification of their successors in the second general district election. The term of office of each member, other than members first elected or members appointed to fill an unexpired term, shall be four years.

SEC. 16. Except as otherwise provided in this act, the provisions of the Uniform District Election Law (Part 3 (commencing with Section 23500) of Division 12 of the Elections Code), shall be applicable to general district elections of elected members of the board.

SEC. 16.1. Following each decennial federal census and using the census as a basis, the board shall adjust the boundaries of any or all of the election divisions of the district so that the election divisions shall be as nearly equal in population as may be.

SEC. 16.2. At any time between the decennial adjustments of the election division boundaries, the board may make an interim adjustment of election division boundaries as may be necessary to insure equality in population among the various election divisions.

An interim redistricting shall be made on the basis of the populations or estimated populations contained in the most recent of any of the following: any census of a county, taken as provided in Section 26203 of the Government Code; any census of a city, taken as provided in Chapter 17 (commencing with Section 40200), Part 2, Division 3, of Title 4 of the Government Code; any census or population estimate of a city or a city and county, taken or made as provided in Sections 2107.1 and 2107.2, Streets and Highways Code; population estimates contained in any official document prepared by the State Department of Finance and issued to the public.

CHAPTER 3. HARBOR COMMISSION

Article 1. General Provisions

SEC. 16.5. The district shall be governed by a board of commissioners composed of five persons elected pursuant to the provisions of Article 3 of Chapter 2 of this act.

SEC. 17. The provisions of Section 6054.3 of the Harbors and Navigation Code shall govern the filling of vacancies with respect to elected members of the board. The oath of office,

bond, and salaries of members of the board, salaries of subordinate officers or employees, audit of books, statement of finances, and meetings of the board shall be governed by the provisions of Sections 6055, 6056, 6060, 6061, 6062 and 6063 of the Harbors and Navigation Code.

SEC. 17.5. Commissioners shall be subject to recall pursuant to the provisions of Chapter 2 (commencing with Section 27200) of Division 14 of the Elections Code.

SEC 18. Upon the establishment of the district, the Cities of Eureka and Arcata may convey to the district all their right, title and interest in and to such tidelands and submerged lands, together with any improvements or facilities therein or thereon, upon and subject to such terms and conditions as shall be mutually agreed upon by the district and the cities, including reasonable commitments by the district to pay to the cities the cost of maintenance or improvement of such tidelands and submerged lands during such time as the same were subject to the jurisdiction and control of the cities. Nothing herein contained shall be construed to impose any obligation upon the district to accept the conveyance of any tidelands or submerged lands from the Cities of Eureka and Arcata. Upon establishment of the district, the state shall grant to the district any ungranted tidelands and submerged lands owned by the state located within the boundaries of the district. Thereafter the title to such lands shall reside in the district, and the district shall hold such lands in trust for the uses and purposes and subject to the terms and conditions which are set forth in this act.

Article 2 Powers and Duties of the Board and of the District

SEC 19. The board of commissioners shall draft a master plan for harbor and port improvement and for the use of all of the tidelands and submerged lands which shall be conveyed to the district pursuant to the provisions of this act and other lands or areas subject to its jurisdiction. The board may from time to time modify the master plan by a majority vote of the board.

The provisions in the master plan shall not override or supersede any local existing zoning ordinance which was in effect on the effective date of this act; provided, that if any local zoning ordinance is repealed, or expires, or becomes nonoperative for any reason, thereafter the provisions of the master plan adopted by the board shall control as to all lands and waters under the jurisdiction of the district.

The district shall improve the Humboldt Bay Harbor for navigation and commerce through maintenance and construction of channels, shipways, berths, anchorage places, turning basins, breakwaters, bulkheads, wharves, processing plants, warehouses, roads, spur tracks or beltline railways, and any other work that is deemed necessary that would not otherwise be accomplished by other public or private agencies.

The district shall plan, designate, and protect wildlife habitats, establish open space areas and areas provided for recreational use with open access for the public, protect, conserve, supervise, and improve the wildlife and fish resources of, and control and enhance the aesthetic appearance of the area.

The district shall regulate the use of Humboldt Bay by control of pollution, dredging, and filling within the area subject to its jurisdiction under the provisions of Section 5.5.

The district shall work closely with the planning agencies of the adjacent corporate bodies in the exercise of such powers and duties.

SEC. 20. The board shall establish a fiscal year for its operations and shall prepare and adopt a budget for each fiscal year.

At the end of each fiscal year or as soon as possible after the end of each fiscal year, the board shall make a complete report of the affairs and financial condition of the district for the preceding fiscal year, which shall show the sources of all receipts and the purposes of all disbursements during the year. The report shall be verified by the chairman of the board and the secretary thereof The board may, at its discretion, use the statement of finances prepared pursuant to Section 17 to satisfy the requirements of this section.

SEC. 21. The board may pass all necessary ordinances and resolutions for the regulation of the district.

The enacting clause of all ordinances passed by the board shall be in substantially the following form:

"The Board of Commissioners of the Humboldt Bay Harbor, Recreation, and Conservation District do ordain as follows:"

All ordinances and resolutions shall be signed by the chairman of the board and attested by the clerk.

All ordinances and resolutions shall be entered in the minutes. All ordinances passed by the board shall be published, within 15 days from the passage thereof, with the names of the members voting for and against them at least once in some daily newspaper of general circulation printed and published in the district.

SEC. 22. Ordinances passed by the board shall not go into effect until the expiration of 30 days from their publication except ordinances ordering or otherwise relating to the following which shall take effect upon their publication.

(a) An election.

(b) The adoption of the annual budget.

(c) The bringing or conducting of suits or actions.

(d) The condemnation of private property for public use.

(e) The immediate preservation of the public peace, health or safety, which ordinance shall contain a specific statement showing its urgency and be passed by a two-thirds vote of the board.

SEC. 23. All grants, franchises, leases, permits, rights or privileges shall be made in accordance with such rules and

regulations as the board shall prescribe by resolution. Irrevocable grants, franchises, leases, rights, or permits shall not be granted or issued.

SEC. 24. (a) No individual, agency, association or corporation, including the district itself, now subject, or which hereafter may become subject, to the jurisdiction of the district shall be granted any permit, lease, franchise, right or privilege without the board having first found, after consideration of the impact of the proposed use upon the air, water, land, environment and ecology of the lands under the jurisdiction of the district, that such proposed uses are necessary to promote the safety, health, comfort and convenience of the public, and that they are required by the public convenience and necessity, and that such proposed uses will not have any substantial adverse environmental or ecological effect.

(b) Every applicant shall be required to present satisfactory proof that the proposed use will not have any substantial adverse environmental or ecological effect.

(c) Every successful applicant shall, annually, on or before January 1, furnish a report to the board. Such report shall contain such information as is prescribed by rule, resolution, or ordinance of the board.

(d) The individual, agency, association, or corporation desiring to obtain any permit, lease, franchise, right, or privilege shall file a request with the board in not less than the period of time specified by rule or regulation of the board prior to the date of the required decision by the board The application shall contain such information as is prescribed by rule, resolution, or ordinance of the board.

(e) Notice of the filing of each application shall be given by the board to the county and municipal planning commissions and to the county and municipal legislative bodies and, in addition, to the Secretary of the Resources Agency, representing the Departments of Conservation, Water Resources, Parks and Recreation, Fish and Game, and Navigation and Ocean Development, to the Department of Public Health, to the State Water Resources Control Board, to the North Coastal Regional Water Quality Control Board, to the State Air Resources Board, to any appropriate county or regional air pollution control district, to the Department of Public Works, and to the State Lands Commission Such notices shall be given by certified mail not less than 10 days after the filing of the application. Notice shall also be given to the general public by advertisement, not less than once in a newspaper of general circulation in the district. Such publication shall be no later than 10 days after filing of the application.

(f) Those to whom notice has been sent under subdivision (e), and any other party entitled under the board's rules to participate in such proceedings, may, within 30 days after the notice was mailed and published, request the board to hold a hearing on the application Any such request should include the reasons therefor. If the board, as a result of its preliminary

investigation after such request, determines that public hearings should be held, it shall fix a date for such a hearing and shall mail notice of the hearing to each party who is entitled to notice or who has requested a hearing.

(g) The board shall find, as required by subdivision (a), that a proposed permit, lease, franchise, right or privilege is required by the public convenience and necessity only if it finds that the proposed use is (1) reasonably required to promote area growth and to meet area demands, and does not adversely affect the environment or ecology of the area to any substantial degree, and (2) will not produce an unreasonable burden on the natural resources and aesthetics of the area, on the public health and safety and air and water quality in the vicinity, or on parks, recreational and scenic areas, historic sites and buildings, or archeological sites in the area.

SEC. 25. The board may employ engineers, attorneys and any other officers and employees necessary in the work of the district. The chief executive officer shall appoint a treasurer whose duty it shall be to receive and safely keep all moneys of the district. He shall comply with all provisions of law governing the deposit and securing of public funds. He shall pay out moneys only as authorized by the board and not otherwise; provided, however, that no authorization shall be necessary for the payment of principal and interest on bonds of the district. He shall at regular intervals, at least once each month, submit to the secretary of the district a written report and accounting of all receipts and disbursements and fund balances, a copy of which report he shall file with the board. The treasurer shall execute a bond covering the faithful performance by him of the duties of his office and his duties with respect to all moneys coming into his hands as treasurer in such amount as shall be fixed by resolution of said board. The surety bond herein required shall be executed only by a surety company authorized to do business in the State of California and the premium therefor shall be paid by the district. The bond shall be approved by the board and filed with the secretary of the district. The treasurer before entering upon the duties of his office shall take and file with the secretary of the district the oath of office required by the Constitution of this state.

SEC. 26. The district and the board may sue and be sued in all actions and proceedings in all courts and tribunals of competent jurisdiction.

The district may also bring an action to determine the validity of any of its bonds, warrants, contracts, obligations or evidences of indebtedness pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

SEC. 27. The board may adopt a seal for the district and alter it at pleasure.

SEC. 28. The district may take by grant, purchase, gift, devise, lease or otherwise acquire, hold and enjoy and lease and

dispose of real and personal property of every kind, within the district, necessary to the full or convenient exercise of its powers.

SEC. 29. Any proposed use by the district of any particular land within its jurisdiction which would constitute a public nuisance may be prohibited by ordinance adopted by the city or by the county within which such land is located.

SEC. 30. The district may exercise the right of eminent domain within the boundaries of the district in the manner provided by law for the condemnation of private property for public use and take any property necessary or convenient to the exercise of its powers. In the proceedings relative to the exercise of such right the district has the same rights, powers and privileges as a municipal corporation.

SEC. 31. The district may issue bonds, borrow money and incur indebtedness as authorized by law or in this act provided. The district may also refund any indebtedness as provided in this act or in any other applicable law, and may also refund any indebtedness by the issuance of the same type of obligations as those refunded and following the same procedure as at that time may be applicable to the issuance of such obligations, and may retire any indebtedness or lien that may exist against the district or its property.

SEC. 32. The board may regulate and control the anchoring, mooring, towing, docking movement and pilotage of all vessels

The district may perform the functions of warehousemen, stevedores, lighterers, reconditioners, shippers and reshippers of properties of all kinds.

The board may manage the business of the district and promote the maritime and commercial interests by proper advertisement of its advantages and by the solicitation of business within or without the district, within other states or in foreign countries, through such employees or agencies as are expedient.

Within the boundaries of the district, the district may acquire, purchase, take over, construct, maintain operate, develop and regulate bunkering facilities, belt or other railroads, floating plants, lighterage, towage facilities, and any and all other facilities, aids, equipment, or property necessary for or incident to the development and operation of a harbor or for the accommodation and promotion of commerce, navigation or fisheries in the district.

SEC. 33. As to any service which the district is authorized to perform pursuant to the provisions of this act, the district may contract for the performance of such service by the city or by the county.

SEC. 34. The board may do all other acts necessary and convenient for the exercise of its powers.

SEC 35 The board shall by ordinance fix the rate of wharfage charges and other charges which are appropriate for the use of any of the facilities owned and constructed or services furnished or provided by the district.

SEC. 36. The district may itself, without letting contracts therefor, do work and make improvements. The work shall be done under the direction of its officers or employees in accordance with the following paragraph:

In the construction, reconstruction or repair of public buildings, streets, utilities and other public works, and in furnishing supplies, materials, equipment or contractual services for the same, when the expenditure therefor shall exceed the sum of two thousand five hundred dollars ($2,500), the same shall be done by written contract, except as otherwise provided in this act, and the board, on the recommendation of the chief executive officer, shall let the same to the lowest responsible and reliable bidder, not less than 10 days after advertising for one day in the official newspaper of the district for sealed proposals for the work contemplated. If the cost of the public contract work exceeds the sum of one thousand dollars ($1,000), but is not in excess of two thousand five hundred dollars ($2,500), the board may let the contract without advertising for bids, but not until the chief executive officer shall have secured competitive prices from contractors interested, which shall be taken under consideration by the board before the contract is let. The board may, however, upon the recommendation of the chief executive officer and by a vote of a majority of its members, order the performance of any such construction and reconstruction or repair work by appropriate district forces when the estimates submitted as part of the chief executive officer's recommendation indicate that the work can be done by the district forces more economically than if let by contract.

In case of a great public calamity, such as extraordinary fire, flood, storm, epidemic or other disaster the board may, by resolution passed by a vote of a majority of its members, determine and declare that the public interest or necessity demands the immediate expenditure of district money to safeguard life, health or property, and thereupon they may proceed, without advertising for bids or receiving the same, to expend, or enter into a contract involving the expenditure of, any sum required in such emergency, on hand in the district fund and available for such purpose. All contracts before execution shall be approved as to form and legality by the attorney for the district.

SEC. 37. The board may, without advertising for bids, negotiate with the government of the United States for the purpose of assisting the board in the performance of any of the work authorized by this act, and the board may contribute to the United States all or any portion of the estimated cost of any work authorized by this act which is to be done by or under contract with the United States.

SEC. 38. The board may:

(a) Make and enforce all necessary rules and regulations governing the use and control of all navigable waters and all tidelands and submerged lands, filled or unfilled, and other lands within the jurisdiction limits of the district.

(b) Regulate and control the anchoring, mooring, and docking of all vessels.

(c) Establish and maintain a system of harbor police and may establish harbor fire protection within the jurisdictional limits of the district for the enforcement of the ordinances, rules and regulations of the district, and employ the necessary officers, who shall as to such matters have all the power of peace officers and firemen within the district; or in the alternative, the district may contract with the governmental entities whose territorial limits are adjacent to or contiguous to those of the district to provide such services.

SEC. 39. The board shall make and enforce such local police and sanitary regulations relative to the construction, maintenance, operation and use of all public services and public utilities in the district, operated in connection with or for the promotion or accommodation of commerce, navigation, fisheries, and recreation therein as are now vested in the district.

SEC. 40. The board may acquire, construct, erect, maintain or operate within the district, all improvements, utilities, appliances or facilities which are necessary or convenient for the promotion and accommodation of commerce, navigation, fisheries, and recreation, or their use in connection therewith upon the lands and waters under the control and management of the board, and it may acquire, maintain and operate facilities of all kinds within the district.

SEC. 41. In case of emergency the board may suspend, modify or amend any rule or regulation of the board, or it may place in effect any emergency rule or regulations, for periods not exceeding 30 days, and every such ordinance shall so provide.

SEC 42. Any person who violates the provisions of any ordinance, or any local police or sanitary regulation, of the board shall be guilty of a misdemeanor.

SEC. 43. In the absence of the adoption of any police, fire and sanitary regulations by the district, the police, fire and sanitary regulations of the county or any city whose boundaries are adjacent to or contiguous to the territorial limits of the district shall be applicable.

CHAPTER 4. FINANCES

Article 1. Budget

SEC. 44. On or before the 15th day of June of each year, the district board shall estimate and determine the amount of money required by the district and shall adopt a preliminary budget which shall be divided into the following main classes:

(a) Ordinary annual expenses.

(b) Capital outlay and Capital Outlay Fund.

(c) Prior indebtedness.

SEC. 45. On or before the 15th day of June of each year, the board shall publish a notice pursuant to Section 6061 of the Government Code in the district stating:

(a) That the preliminary budget has been adopted and is available at a time and at a place within the district specified in the notice for inspection by interested taxpayers.

(b) That on a specified date not less than one month after the publication of the notice and at a specified time and place, the district board will meet for the purposes of fixing the final budget, and that any taxpayer may appear and be heard regarding the increase, decrease or omission of any item in the budget, or for the inclusion of additional items.

SEC. 46. At the time and place designated in the published notice for the meeting, any taxpayer may appear and be heard regarding the increase, decrease or omission of any item in the budget or for the inclusion of additional items. The hearing on the budget may be continued from time to time.

SEC. 47. The district board shall report the final budget to the board of supervisors after the budget hearing but not later than the first day of August each year after making any changes in the preliminary budget it deems advisable during or after the hearing, including deductions, increases or additions.

SEC. 48. The board of supervisors shall at the time of levying the county taxes levy the taxes required by other sections of this act and also a tax upon all the taxable property within the district sufficient to meet the amounts set forth in the final budget submitted by the district board The money when collected by the tax collector of the county shall be paid to the treasurer of the district. The tax shall not, however, exceed a rate of ten cents ($0.10) on each one hundred dollars ($100) of assessed valuation, exclusive of taxes levied or required to be levied under Sections 61, 62, and 63 of this act, unless approved by a majority of the electors of the district.

SEC. 49. At any time the board may transfer to the Capital Outlay Fund any unencumbered surplus funds raised from sources other than from taxation, for any purpose whatsoever, remaining on hand at the end of any fiscal year or years.

SEC 50 The Capital Outlay Fund shall remain inviolate for the making of any capital outlays and the money shall not be disbursed from the fund except for such a purpose unless the district board submits a proposition to the electors of the district to obtain their consent to use the money in the fund for some other specific purpose. The proposition may be submitted at any election. A majority vote of all the voters voting at the election is necessary to authorize the expenditure of the money for such other purpose

SEC. 51. The district may contribute money to the federal or the state government or to the county in which it is located or to any city within the district, for the purpose of defraying

the whole or a portion of the cost and expenses of work and improvement to be performed, either within or without the territorial limits of the district, by the federal, state, county or city government, in improving rivers, streams, or in doing other work, when such work will improve navigation, commerce, or renewable natural resources, in or to the navigable waters in the district.

SEC 52. All money received or collected from or arising out of the use or operation of any harbor or port improvement, work, appliance, facility or utility, or vessel, owned, controlled or operated by the district; all tolls, charges and rentals collected by the board, and all compensations or fees required to be paid for franchises or licenses, or otherwise by law or ordinance or order, to the district for the operation of any public service utility upon lands or waters under the control and management of the board, shall be deposited in the treasury of the district to the credit of a fund to be known as the Humboldt Bay Harbor, Recreation and Conservation District Revenue Fund. The money in or belonging to the fund shall not be appropriated or used for any purpose except those enumerated in this act and such enumeration shall not be deemed to create any priority of one use of purpose over another.

SEC. 53. The fund may be used for the necessary expenses of conducting the district, including the operation and maintenance of all harbor or port improvements, works, utilities, appliances, facilities and vessels owned, controlled or operated by the district for the promotion and accommodation of commerce, navigation, fisheries, and recreation, or used in connection therewith, and for the purposes set forth in any grants in trust.

SEC. 54. The money in the fund may also be used for advertising the commercial and other advantages and facilities of any harbor in the district, and for encouraging and promoting commerce, navigation and transportation in and through such harbor

SEC 55. The money in the fund may also be used for the acquisition, construction, completion and maintenance of harbor and port improvements, works, utilities, appliances, facilities, and vessels, for the promotion and accommodation of commerce, navigation and fisheries, and recreation, or uses in connection therewith; and for extraordinary improvements and betterments to lands and property under the control, supervision and management of the district, including the purchase or condemnation of necessary lands and other property and property rights.

SEC 56. The money in the fund may also be used for the payment of the principal, or interest, or both, of district bonds authorized issued and sold pursuant to this act and for the establishment and maintenance of bond service funds sinking funds, reserve funds or other funds or accounts established to

secure the payment of principal of, interest on, or redemption of or for the security of such bonds.

SEC. 57. The money in the fund may also be used for the payment of the principal or interest, or both, of the bonds of the county or any city in the district, for harbor improvements, authorized or outstanding prior to the establishment of the district, or thereafter issued and sold by such county or city for harbor improvements pursuant to this act.

SEC. 58. The chief executive officer may make application in writing to the board for a transfer of amounts from one appropriated item to another in the budget allowance On the approval of the board by a majority vote, the auditor shall make such transfer; but a transfer shall not be made except as herein provided. Any transfer of bond or note proceeds or of bond or note service, reserve or sinking funds shall be made only as provided in the proceedings authorizing the issuance of such bonds.

Article 2. Temporary Borrowing

SEC. 59 Notwithstanding any other provision of this act, the board may borrow money by issuance of negotiable promissory notes, or execute conditional sales contracts to purchase personal property, in an amount or of a value not exceeding in the aggregate at any one time the sum of two hundred thousand dollars ($200,000), for the purposes of the acquisition, construction, completion or repair of any or all improvements, works, property or facilities authorized by this act or necessary or convenient for the carrying out of the powers of the district.

Notwithstanding any other provision of this act, the board may borrow money, until June 30, 1975, by the issuance of negotiable promissory notes, to provide working capital for the necessary expenses of conducting the district, provided that at the time of issuance of any such notes the aggregate amount of said notes outstanding and issued for such purpose shall not exceed one-fourth of the annual budget for such expenses for the fiscal year (or portion thereof in the case of 1970–1971) in which such borrowing occurs.

Notwithstanding any other provision of this act, the board may borrow money, until June 30, 1975, by the issuance of negotiable promissory notes to provide any or all sums required to be paid pursuant to the provisions of Section 64 of this act.

Negotiable promissory notes issued pursuant to this section shall mature in not exceeding five years from their respective dates and shall bear interest at a rate or rates not exceeding 7 percent per annum payable annually or semiannually.

No conditional sales contract shall be for a term in excess of five years from the date of execution thereof.

The negotiable promissory notes and the conditional sales contracts shall contain such terms and provisions as the board

shall specify in the ordinance providing for the issuance thereof. The negotiable promissory notes shall be signed in the same manner as general obligation bonds of the district and the conditional sales contracts shall be signed in the same manner as other contracts of the district.

As a condition precedent to the issuance of any negotiable promissory notes for the purposes of the acquisition, construction, completion or repair of any or all improvements, works, property or facilities authorized by this act or necessary or convenient for the carrying out of the powers of the district or the execution of any conditional sales contract for such purposes, as provided in this section, in excess of twenty-five thousand dollars ($25,000), the board shall first unanimously approve by resolution and have on file a report approved by the chief executive officer on the engineering and economic feasibility relating to the project contemplated for the expenditure of said borrowed money or conditional sales contract. Said feasibility report shall be prepared and signed by an engineer or engineers licensed and registered under the laws of the State of California.

Taxes for the payment of all negotiable promissory notes or conditional sales contracts issued under this section shall be levied, collected, paid to the district and used in the same manner as is hereinafter provided for general obligation bonds of the district.

Article 3. General Obligation Bonds

SEC 60. Whenever the board deems it necessary for the district to incur a general obligation bonded indebtedness for the acquisition, construction, completion or repair of any or all improvements, works, property or facilities, authorized by this act or necessary or convenient for the carrying out of the powers of the district, it shall, by ordinance, adopted by a majority of all members of the board, so declare and call an election to be held in said district for the purpose of submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of general obligation bonds of said district. Said ordinance 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 estimated cost of accomplishing said purpose.

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

(d) The maximum term the bonds proposed to be issued shall run before maturity, which shall not exceed 40 years from the date thereof or the date of each series thereof.

(e) The maximum rate of interest to be paid, which shall not exceed 7 percent per annum.

(f) The proposition to be submitted to the voters.

(g) The date of the election.

(h) The manner of holding the election and the procedure for voting for or against the measure.

Notice of the holding of such election shall be given by publishing, pursuant to Section 6066 of the Government Code, the ordinance calling the election in at least one newspaper published in such district. No other notice of such election need be given. Except as otherwise provided in the ordinance, the election shall be conducted as other district elections.

If any proposition is defeated by the electors, the board shall not call another election on a substantially similar proposition to be held within six months after the prior election. If a petition requesting submission of such a proposition, signed by 15 percent of the district electors, as shown by the votes cast for all candidates for Governor at the last election, is filed with the board, it may call an election before the expiration of six months.

If a majority of the electors voting on the proposition vote for it, then the board may, by resolution, at such time or times as it deems proper, issue bonds of the district for the whole or any part of the amount of the indebtedness so authorized and may from time to time, in such resolution or resolutions, 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 and different dates of payment fixed for the bonds of each series. A bond need not mature on an anniversary of its date. The maximum term the bonds of any series shall run before maturity shall not exceed 40 years from the date of each series respectively. In such resolution or resolutions the board shall prescribe the form of the bonds and the form of any coupons to be attached thereto, the registration, conversion and exchange privileges, if any, pertaining thereto, and fix the time when the whole or any part of the principal shall become due and payable.

The bonds shall bear interest at a rate or rates not exceeding 7 percent per annum, payable semiannually, except that the first interest payable on the bonds or any series thereof may be for any period not exceeding one year as determined by the board. In the resolution or resolutions providing for the issuance of such bonds the board may also provide for call and redemption of such bonds prior to maturity at such times and prices and upon such other terms as it may specify, provided that no bond shall 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 or denominations of the bonds shall be stated in the resolution providing for their issuance, but shall not be less than one thousand dollars ($1,000). The principal of and interest on such bonds shall be payable in lawful money of the United States at the office of the treasurer of the district or at such other place or places as may be designated, or at either place or places at the option of the holders of the bonds. The bonds shall be dated, numbered consecutively and shall

be signed by the chairman and treasurer, countersigned by the clerk and the official seal of the district attached. The interest coupons of such bonds shall be signed by the treasurer. All such signatures, countersignatures and seal may be printed, lithographed or mechanically reproduced, except that one of such signatures or countersignatures on the bonds shall be manually affixed. If any officer whose signature or countersignature appears on bonds or coupons ceases to be such officer before the delivery of the bonds, his signature is as effective as if he had remained in office.

The bonds may be sold as the board determines by resolution but for not less than par. Before selling the bonds, or any part thereof, the board shall give notice inviting sealed bids in such manner as it may prescribe If satisfactory bids are received the bonds offered for sale shall be awarded to the highest responsible bidder. If no bids are received or if the board determines that the bids received are not satisfactory as to price or responsibility of the bidders the board may reject all bids received, if any, and either readvertise or sell the bonds at private sale.

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

All accrued interest received on the sale of bonds shall be placed in the fund to be used for the payment of principal of and interest on the bonds and the remainder of the proceeds of the bonds shall be placed in the treasury to the credit of the proper improvement fund and applied exclusively to the purpose for which the debt was incurred; provided, however, that when said purpose has been accomplished any moneys remaining in such improvement fund (a) shall be transferred to the fund to be used for the payment of principal of and interest on the bonds, or (b) shall be placed in a fund to be used for the purchase of outstanding bonds of the district.

After the expiration of three years after a general obligation bond election the board may determine, by ordinance adopted by a majority of all the members of the board, that any or all of the bonds authorized at said election remaining unsold shall not be issued or sold. When the ordinance takes effect, the authorization to issue said bonds shall become void.

Whenever the board deems that the expenditure of money for the purpose for which the bonds were authorized by the voters is impractical or unwise, it may, by ordinance adopted by the majority of all members of the board, so declare and call an election to be held in the district for the purpose of submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of such bonds for some other purpose. The procedure, so far as applicable, shall be the same as when a bond proposition is originally submitted.

The board may provide for the issuance, sale or exchange of refunding bonds to redeem or retire any bonds issued by the district upon the terms, at the times and in the manner which

it determines. Refunding bonds may be issued in a principal amount sufficient to pay all or any part of the principal of such outstanding bonds, the interest thereon and the premiums, if any, due upon call and redemption thereof prior to maturity and all expenses of such refunding. The provisions for this section for authorization, issuance and sale of bonds shall apply to the authorization, issuance and sale of such refunding bonds; except that when refunding bonds are to be exchanged for outstanding bonds the method of exchange shall be as determined by the board.

SEC. 61. All bonds issued pursuant to Section 60 of this act are general obligations of the district and at the time of making the general tax levy after the incurring of any such bonded indebtedness, and annually thereafter until the bonds are paid or until there is a sum in the treasury of the district set apart for that purpose sufficient to meet all payments of principal and interest on the bonds as they become due, the board must cause a tax to be levied and collected annually, as hereinafter provided in Sections 62 and 63 of this act, sufficient to pay the interest on the bonds and such part of the principal as will become due before the proceeds of a tax levied at the next general tax levy will be available.

SEC. 62 The board shall, at least 30 days before the board of supervisors is required by law to fix the general tax levy, certify to the board of supervisors in writing the minimum amount of money required to be raised by taxation during the fiscal year for the payment of the principal and interest. If any of the moneys required to be raised by such annual tax levy are actually on hand and have been set aside in said fund for said purpose from some such other source, the tax levy hereinbefore required for such year may be reduced by such amount.

SEC. 63. The taxes required to be levied by Sections 61 and 62 of this act shall be levied upon all property within the district taxable for county purposes and shall be in addition to any and all other taxes levied by the board of supervisors and it shall be the duty of the officer, officers or body having authority to levy taxes within the county to levy the taxes so required. It shall be the duty of all county or other officers charged with the duty of collecting taxes to collect such taxes in the time form and manner as county taxes are collected and when collected to pay the same to the district. All such taxes shall be of the same force and effect as taxes levied for county purposes and their collection may be enforced by the same means as provided for the collection of county taxes Such taxes shall be used only for the payment of the bonds and interest thereon.

Article 4. Revenue Bonds

SEC. 64. Whenever the board deems it necessary for the district to incur a revenue bonded indebtedness for the ac-

quisition, construction, completion or repair of any or all improvements, works, property or facilities authorized by this act or necessary or convenient for the carrying out of the powers of the district, the board shall issue such revenue bonds in accordance with the provisions of the Revenue Bond Law of 1941, as the same now exists or may hereafter be amended; provided, however, that:

(a) As an alternative to the election required by the Revenue Bond Law of 1941, the board may provide by ordinance, which shall be subject to referendum, that the bonds shall be issued without an election Any referendum petition on such an ordinance shall be filed within the requisite time and shall be signed by voters of the district equal in number of at least 5 percent of the entire vote cast within the district for all candidates for Governor at the last gubernatorial election.

(b) The aggregate amount of revenue bonds outstanding at any one time which have not been authorized or approved at an election shall not exceed two million dollars ($2,000,000).

(c) Any provisions of the Revenue Bond Law of 1941 which are inconsistent with the provisions of this act shall not be applicable.

Article 5. General

SEC. 65. Bonds issued by the district pursuant to this act are legal investments for all trust funds, and for the funds of all insurers, banks, both commercial and savings, and trust companies, and for the state school funds, and whenever any money or funds may, by law now or hereafter enacted, be invested in bonds of cities, cities and counties, counties, school districts or municipalities in this state, such money or funds may be invested in bonds of the district organized pursuant to this act.

SEC. 66. Notwithstanding any other provisions of this act or any other law, the provisions of all ordinances resolutions and other proceedings in the issuance by the district of any general obligation bonds, general obligation bonds with a pledge of revenues, revenue bonds, negotiable promissory notes, or any and all evidences of indebtedness or liability and the provisions thereof and the provisions of this act shall be enforceable against the district, any or all of its successors or assigns, by mandamus or any other appropriate suit, action or proceeding in law or in equity in any court of competent jurisdiction. Nothing contained in this act or in any other law shall be held to relieve the district or the territory included within it from any bonded or other debt or liability contracted by the district. Upon dissolution of the district or upon withdrawal of territory therefrom, the property formerly included within the district or withdrawn therefrom shall continue to be liable for the payment of all bonded and other indebtedness or liabilities outstanding at the time of such dissolution or withdrawal the same as if the district had not been so dissolved or the territory withdrawn therefrom, and it shall be

the duty of the successors or assigns to provide for the payment of such bonded and other indebtedness and liabilities. Except as may be otherwise provided in the proceedings for the authorization, issuance and sale of any revenue bonds or general obligation bonds secured by a pledge of revenues, revenues of any kind or nature derived from any revenue-producing improvements, works, facilities or property owned, operated or controlled by the district shall be pledged, charged, assigned and have a lien thereon for the payment of such bonds as long as the same are outstanding, regardless of any change in ownership, operation or control of such revenue-producing improvements, works, facilities or property and it shall, in such later event or events, be the duty of the successors or assigns to continue to maintain and operate such revenue-producing improvements, works, facilities or property as long as such bonds are outstanding.

SEC. 67. The district in consideration for the conveyance of tidelands and submerged lands by the Cities of Eureka and Arcata, such conveyance having been accepted by the district in accordance with the provisions of Section 18 of this act, shall take over and assume any indebtedness incurred by the cities for the development, improvement, or maintenance of such tidelands and submerged lands, or for the construction of improvements or facilities therein or thereon.

SEC. 68 The board may, by resolution, order that any of the moneys in the funds under its control which are not necessary for current operating expenses be invested in any obligations, bonds or securities in which a general law city could invest such funds; provided, however, that (1) any such investment shall be made in such a manner that the moneys in such funds will be available at the times and in the amounts necessary to accomplish the purpose for which said funds were established, and (2) no such investment shall be made in contravention of any provision or covenant in any proceedings for the authorization and issuance of bonds, notes, contracts or other evidences of indebtedness.

SEC 69. Bonds, notes and other evidences of indebtedness issued or incurred by the district shall be signed as provided in the section of this act applicable thereto or as provided in any other law applicable thereto; provided, however, that if the particular section or law does not prescribe the method of such execution, the method provided for general obligation bonds of the district shall apply so far as applicable All other contracts of the district shall be executed in such manner as the board may fix by resolution

CHAPTER 5. OFFICERS AND EMPLOYEES

SEC. 70. Notwithstanding the provisions of Section 68 of this act, all employees of the county and any city performing duties in connection with Humboldt Bay Harbor or the respective harbor departments, shall be blanketed in as em-

ployees of the district; and the district is empowered to: (a) contract with the Public Employees' Retirement System and may provide retirement and disability benefits for employees under the Public Employees' Retirement System pursuant to its rules and regulations, or (b) contract with any city included within the district which has a retirement system for retirement and disability benefits for district employees. The district may, by contract, continue such employees of the district so blanketed in as members of the retirement system of which they were members while they were employees of the respective cities.

SEC. 71 No employee of the district who was previously employed by another governmental agency and was transferred to the district when it was formed and took over functions previously performed by such other agency shall be discharged, except for cause, or transferred to any position of a lesser class

Nothing in this section shall prevent the district from employing an independent contractor to provide services of a professional, scientific or technical nature where the district has determined that it is impractical to have such service furnished by a person employed or to be employed in the classified service and the employment of such independent contractor will not require the removal, suspension, layoff or transfer of any employee in the classified service or the elimination of any classification thereof.

This section shall not apply to any employee of the district who is or has been employed by another governmental agency in substantially the same class of position and rate of pay as the position held, and pay received, while employed by the district.

SEC. 72. The officers of the district shall be:

(a) Chief executive officer.
(b) An auditor.
(c) An attorney.
(d) A clerk.
(e) A treasurer.
(f) A chief engineer.
(g) A planner.

The auditor, chief executive officer, and attorney shall be appointed by the board when such positions are required to be filled. The auditor and attorney shall appoint such deputies or assistants as may be authorized by the board. All other officers and employees shall be appointed by the chief executive officer. All officers appointed by the chief executive officer must be confirmed by the board.

SEC 73 (a) Employment in the district shall be divided into the unclassified and classified service.

(b) The unclassified service shall include:

(1) All officers of the district.
(2) All department and division heads.

(3) The principal assistant or deputy of all officers and department and division heads.

(4) All assistant and deputy attorneys.

(c) The board shall establish a classified civil service which shall include all positions not specifically included in the unclassified service; provided, however, any incumbents in the positions included in the unclassified service presently in the classified service shall remain in the classified service until the respective positions are vacated by the incumbents.

(d) Officers and employees appointed by the board may be removed from office by a majority vote of the board.

(e) All persons in the classified service shall be appointed by and may be removed by the chief executive officer subject to the civil service rules and regulations of the district.

SEC. 74. The board may adopt civil service rules and regulations in accordance with the following provisions:

(a) The civil service rules and regulations shall provide:

(1) For the qualifications and examination of all applicants for employment and for the employment of persons on probation.

(2) For the registration of persons, other than unskilled laborers, in the classified civil service, in accordance with their general average standing upon examination.

(3) For promotions on the basis of ascertained merit and seniority in service and examination, and for competitive examinations for promotions.

(4) For the reassignment of persons injured in the service of the district who were at the time of injury actually engaged in the discharge of the duties of their positions.

(5) For leaves of absence.

(6) For the transfer from one position to a similar position of the same class.

(7) For the reinstatement to the list of eligibles on recommendation of the chief executive officer, of persons who have become separated from the service or have been reduced in rank, other than persons who have been removed for cause.

(8) For the keeping of service records of all employees in the civil service, and for their use as one of the bases for promotions or layoffs through stoppage or lack of work.

(9) For the procedure for the removal, discharge or suspension of employees; for the investigation by the board of the grounds thereof, and for the reinstatement or restoration to duty of persons found to have been removed, discharged or suspended for insufficient grounds or for reasons which are not sustained by investigation.

(10) Generally for any other purpose which may be necessary or appropriate to carry out the objects and purposes of the civil service system and the rules herein specifically authorized.

(b) The following persons may be exempted by the board, by ordinance, from the civil service:

(1) Persons employed to render professional, scientific, technical or expert service of a temporary or exceptional character.

(2) Persons employed on the construction of district works, improvements, buildings or structures.

(3) Persons receiving a salary not exceeding fifty dollars ($50) a month.

Any exemption so made may be terminated at any time by resolution of the board.

SEC. 75. Nothing herein contained shall prevent the board from contracting with the County of Humboldt to utilize the services of its civil service commission office or department to effectuate the purposes hereof.

CHAPTER 6. TIDELANDS

SEC. 76. The state hereby consents to the grant of tidelands and submerged lands from the Cities of Eureka and Arcata to the district as provided by this act. The district shall, upon its establishment in accordance with the provisions of this act, become the successor of the Cities of Eureka and Arcata whose tidelands and submerged lands shall have been included therein with respect to the management, conduct and operation of the harbor and the development and protection of the natural resources of such lands and with respect to the use, possession and title to such lands, and they shall continue to be held and used by the district pursuant to this act.

SEC. 77. If the district is dissolved by operation of law, or otherwise, any tidelands and submerged lands granted thereto pursuant to this act, together with any and all improvements thereon, and the management, conduct and operation thereof, reverts to and is revested in the respective grantors. The lands reverting to the grantors pursuant to this section shall be held by the respective grantors in trust subject to the conditions, terms, and purposes of this act.

SEC. 78. (a) Any ungranted state-owned tidelands and submerged lands located within the district granted by the state to the district upon the establishment of the district together with those certain tidelands and submerged lands conveyed to the district by the cities of Eureka and Arcata, as provided by this act, shall be held by the district and its successors in trust and may be used for purposes in which there is a general statewide purpose, as follows:

(1) For the establishment, improvement and conduct of harbors, and for the construction, reconstruction, repair, maintenance, and operation of wharves, docks, piers, slips, quays, and all other works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient, for the promotion and accommodation of commerce and navigation.

(2) For all commercial and industrial uses and purposes, and the construction, reconstruction, repair and maintenance of commercial and industrial buildings, plants and facilities.

(3) For the establishment, improvement and conduct of airport and heliport or aviation facilities, including but not limited to approach, takeoff and clear zones in connection with airport runways, and for the construction, reconstruction, repair, maintenance and operation of terminal buildings, runways, roadways, aprons, taxiways, parking areas, and all other works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of air commerce and air navigation.

(4) For the construction, reconstruction, repair and maintenance of highways, streets, roadways, bridges, belt line railroads, parking facilities, power, telephone, telegraph or cable lines or landings, water and gas pipelines, and all other transportation and utility facilities or betterments incidental, necessary or convenient for the promotion and accommodation of any of the uses set forth in this section.

(5) For the construction, reconstruction, repair, maintenance and operation of public buildings, public assembly and meeting places, convention centers, public parks, public playgrounds, public bathhouses and public bathing facilities, public recreation and public fishing piers, public recreation facilities, including but not limited to public golf courses, and for all works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of any such uses.

(6) For the establishment, improvement and conduct of small boat harbors, marinas, aquatic playgrounds and similar recreational facilities, and for the construction, reconstruction, repair, maintenance and operation of all works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of any of such uses, including but not limited to snackbars, cafes, cocktail lounges, restaurants, motels, hotels, and other forms of transient living accommodations open to the public, 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 and other compatible commercial and recreational activities and uses.

(7) For the protection of wildlife habitats, the improvement, protection, and conservation of the wildlife and fish resources and the ecology of the area, the providing of open space areas and areas for recreational use with open access to the public, the enhancement of the aesthetic appearance of the bay and the area, control of dredging or filling of the bay, or both, and prevention of pollution of the bay.

(b) The district 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 whatsoever; provided, that said district, 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 said lands, or any part thereof, for limited periods, not exceeding 66 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, navigation, fisheries, and ecological protection.

(c) Said lands shall be improved without expense to the state; provided, however, that nothing contained in this section shall preclude expenditures for the development of said lands for any public purpose not inconsistent with commerce, navigation, fisheries, and ecological protection, by the state, or any board, agency or commission thereof, when authorized or approved by the district, nor by the district 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 district 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, aircraft, or railroad owned or operated by the State of California.

(f) There is hereby reserved to the people of the State of California the right to fish in the waters on said lands with the right of convenient access to said water over said lands for said purpose.

(g) There is hereby excepted and reserved in the State of California all deposits of minerals, including oil and gas, but excluding sand, gravel and inert earth and the right to remove said deposits in said lands, 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 lands as are reserved to the state. Use of the interest excepted and reserved to the State of California hereunder shall be made in accordance with and subject to the provisions of Section 6401 of the Public Resources Code, and any amendment thereto.

(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 district, survey and monument said lands and record a description and plat thereof in the office of the County Recorder of Humboldt County.

(j) As to any tidelands and submerged lands conveyed to the district by a city which are subject to a condition contained in a grant of said lands to the city by the state that said lands shall be substantially improved within a designated period or else they shall revert to the state, such condition shall remain in effect as to said lands and shall be applicable to the district.

(k) As to any tidelands and submerged lands conveyed to the district by a city which are not subject to such a condition contained in a grant by the state and which have not heretofore been substantially improved, and as to any state-owned tidelands and submerged lands granted to the district pursuant to this act, said lands, within 10 years from the effective date of this act, shall be substantially improved or ecologically enhanced by the district without expense to the state. If the State Lands Commission determines that the district has failed to so improve or enhance said lands as herein required, all right, title and interest of the district in and to said lands shall cease and said lands shall revert and rest in the state.

CHAPTER 7. CHANGES OF ORGANIZATION

SEC. 79. The district shall be subject to the provisions of the District Reorganization Act of 1965 (Division 1 (commencing with Section 56000) of Title 6 of the Government Code).

CHAPTER 8. MISCELLANEOUS

SEC. 80. Whenever the district is established under the provisions of this act it is the successor of the county and each of the cities included therein as to all powers theretofore vested in the county or each such city or exercisable by its officers, which are by the provisions of this act granted to the district or are exercisable by its officers. Such powers are relinquished by the county and the cities and surrendered to the district. The title to, and possession and control of, any works, structures, appliances, improvements and equipment of the kinds designated in this act, owned or held by or in trust for the county and each of the cities, or by any officer or board thereof, in trust or otherwise, for any purpose for which the district is authorized to acquire and use property pursuant to this act, are upon the establishment of the district, transferred to and vested in the district and are thereafter owned, operated and controlled by the district pursuant to this act.

SEC. 81. Upon the establishment of the district, all persons then occupying the several offices of or under the government, of the county and each of the cities included therein, except as otherwise provided, whose several powers and duties are within the powers of the district or within the powers or duties of the several officers thereof, shall immediately quit and surrender the occupancy or possession of such offices which shall thereupon cease and determine, except as to any persons who have powers and perform duties for the county and the cities other than those mentioned, whose offices shall not cease and determine as to such other powers and duties but shall continue with respect thereto the same as if the district had not been established.

SEC. 82. The provisions of this act shall apply to any municipal corporation which is governed under a freeholders' charter even if such provisions are inconsistent with the charter or its amendments, it being hereby declared that such provisions are a matter of statewide concern and are to prevail over any inconsistent provisions in any such charter. If the district is dissolved by operation of law or otherwise, any works, structures, appliances, improvements and equipment are vested in such municipal corporation, together with any other works, structures, appliances, improvements and equipment acquired or constructed by the district in that portion of the district within the limits of each such municipal corporation respectively.

SEC. 83. Nothing in this act shall apply to the location, design, right-of-way acquisition, or construction of any state crossing of Humboldt Bay nor to any route presently on or hereafter added to the state highway system.

SEC. 84. If any section, subdivision, sentence, clause, or phrase of this act, or the application thereof to any person or circumstances, 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, subdivision, sentence, clause, and phrase thereof, irrespective of the fact that one or more sections, subdivision, sentences, clauses or phrases, or the application thereof to any person or circumstance, be held invalid.

CHAPTER 1284

An act to amend Sections 11515 and 11520 of the Vehicle Code, relating to vehicles.

[Approved by Governor September 17, 1970. Filed with Secretary of State September 17, 1970.]

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

SECTION 1. Section 11515 of the Vehicle Code is amended to read:

11515. (a) Whenever a vehicle subject to registration is sold as salvage as a result of a total loss insurance settlement, the insurance company or its authorized agent shall, within 10 days from settlement of the loss with its insured, forward the endorsed certificate of ownership or other evidence of title to the department at its headquarters office.

(b) Upon sale of the salvage vehicle the insurance company or its authorized representative shall issue a bill of sale to the purchaser within 10 days after receipt of payment in full for the salvage on a form to be prescribed and supplied by the department. The department shall accept such bill of sale in lieu of the certificate of ownership or other evidence of title for purposes mentioned in Division 3 (commencing with Section 4000) of this code when accompanied by an appropriate application or other documents and fees as therein required.

(c) When the salvage vehicle is rebuilt and to be restored to operation, the vehicle shall not be licensed for operation or the ownership thereof transferred until there is submitted to the department with the prescribed bill of sale an appropriate application, other documents and fees required, and a certificate of inspection signed by an employee of the department attesting to its mechanical fitness and safety.

(d) When a total loss insurance settlement between the insurance company and its insured results in the retention of the salvage vehicle by the insured, the insurance company, or its authorized agent shall within 10 days from the date of settlement notify the department of such retention by its insured upon a form to be prescribed and supplied by the department.

SEC. 2. Section 11520 of the Vehicle Code is amended to read:

11520. (a) Any licensed automobile dismantler who obtains actual possession as a transferee of a vehicle subject to registration hereunder for the purpose of dismantling, shall within 72 hours, exclusive of Saturdays, Sundays, and holidays set forth in Sections 6700 and 6701 of the Government Code, forward notification on an appropriate form, to the department at its headquarters in Sacramento, of acquiring such vehicle and at the same time a copy of such form shall be forwarded to the California Highway Patrol at its headquarters in Sacramento and to local enforcement agencies when required by local ordinance.

(1) A period of seven days, exclusive of Saturdays, Sundays, and holidays set forth in Sections 6700 and 6701 of the Government Code, shall elapse following the forwarding of the notification before the dismantling shall begin, unless earlier permission has been received from the department as provided in subdivision (b) of this section. Vehicles acquired

under the provisions of Section 3072 of the Civil Code shall not be dismantled until permission has been received from the department.

This subdivision shall not apply if the dismantler complies with subdivision (b) within 24 hours from the time of obtaining actual possession of such vehicle as a transferee, exclusive of Saturdays, Sundays and holidays set forth in Sections 6700 and 6701 of the Government Code, nor shall it apply to any vehicle received pursuant to subdivision (b) of Section 11515 or 22705 of this code or Section 3073 of the Civil Code.

(b) Any person desiring to dismantle any vehicle subject to registration hereunder shall surrender to the department the report as required, the certificate of ownership, registration card, and the license plate or plates last issued therefor, and thereby make application for a transfer of ownership. Such person shall not dismantle the vehicle until permission has been received from the department, except as provided in this section.

(1) When the department has received the report when required, the certificate of ownership from such person, the registration card and last issued license plate or plates as required herein, the transfer shall be deemed complete and no transfer fee or prior unpaid transfer fee shall be paid.

(2) When the transferee is an automobile dismantler who acquired the same for the purpose of dismantling, he shall not be required to file an affidavit of nonoperation nor be required to pay fees as would otherwise be required if such vehicle were to be registered for operations on the highways.

(c) Automobile dismantlers licensed hereunder shall maintain a record of all vehicles acquired for dismantling, which shall contain the name and address of the person from whom such vehicle was purchased or acquired and the date thereof, the registration number last assigned to the vehicle and a brief description of the vehicle, including insofar as the hereinafter specified data may exist with respect to a given vehicle, the make, type, serial number and the identifying number used for registration purposes.

(1) Within 90 days of the date of taking possession, a licensed automobile dismantler shall surrender, or show diligent effort to secure and surrender to the department the documents evidencing ownership, and the license plates last issued for each vehicle acquired for dismantling purposes. A certificate of license plate destruction, when authorized by the director, may be submitted in lieu of the surrender of the license plates.

(d) It shall be prima facie evidence that an identifiable vehicle in a dismantled condition has been so partially dismantled by the person having possession thereof.

(e) Any person who violates this section is guilty of a misdemeanor. Any person not licensed under the provisions of this chapter who is convicted under this section shall be punished upon a first conviction by imprisonment in the

county jail for not less than five days nor more than six months or by a fine of not less than fifty dollars ($50) nor more than five hundred dollars ($500) or by both such fine and imprisonment and upon a second or any subsequent conviction by imprisonment in the county jail for not less than 30 days nor more than one year or by a fine of not less than two hundred fifty dollars ($250) nor more than one thousand dollars ($1,000) or by both such fine and imprisonment.

CHAPTER 1285

An act to amend Section 172.7 of the Penal Code, relating to on-sale licensees.

[Approved by Governor September 17, 1970. Filed with Secretary of State September 17, 1970.]

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

SECTION 1. Section 172.7 of the Penal Code is amended to read:

172.7. The provisions of Section 172a shall not apply to the sale, gift, or exposing or offering for sale of alcoholic beverages by a licensee under the Alcoholic Beverage Control Act within the premises occupied by any bona fide club which is situated within one mile of the campus of Whittier College in the City of Whittier, or one mile or more from the campus of Leland Stanford Junior University near the City of Palo Alto, provided the club meets all the following requirements:

(a) The club shall have been organized and have existed for not less than 10 years continuously.

(b) The club shall have a bona fide membership of not less than 350 persons.

(c) The club shall own the building which it occupies.

CHAPTER 1286

An act to amend Sections 18860, 19253.5, and 19536 of, to add Section 11560.1 to, and to repeal Section 11560.1 of, the Government Code, relating to state personnel.

[Approved by Governor September 17, 1970. Filed with Secretary of State September 17, 1970.]

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

SECTION 1. Section 11560.1 of the Government Code is repealed.

SEC. 2. Section 11560.1 is added to the Government Code, to read:

11560.1. An annual salary of eighteen thousand dollars ($18,000) shall be paid to each of the following:

(a) Consumer Counsel.

SEC. 3. Section 18860 of the Government Code is amended to read:

18860. Employees in a class shall receive a salary within the limits established for that class; provided, that when a position has been allocated to a lower class or the salary range or rate of pay of the class is reduced, the board may authorize the payment of a rate above the maximum of the class; and provided further, that when an employee is moved to a position in a lower class because of reductions in force or other management-initiated changes, the board may, when recommended by the appointing power, authorize the payment of a rate above the maximum of the class for such time as the board may designate to the employee whose service has been fully satisfactory, who has completed a minimum of 10 years of state service, and who meets other eligibility standards established by the board.

During such time as an employee's salary remains above the maximum rate of pay for his class, he shall not receive further salary increases.

SEC. 4. Section 19253.5 of the Government Code is amended to read:

19253.5. (a) In accordance with board rule, the appointing power may require an employee to submit to a medical examination by a physician or physicians designated by the appointing power to evaluate the capacity of the employee to perform the work of his position.

(b) Fees for the examination and for the services of medical specialists or technicians, if necessary, shall be paid by the state agency. The employee may submit medical or other evidence to the examining physician or to the appointing power. The examining physician shall make a written report of the examination to the appointing power. The appointing power shall provide a copy to the physician designated by the employee.

(c) When the appointing power, after considering the conclusions of the medical examination and other pertinent information, concludes that the employee is unable to perform the work of his present position, but is able to perform the work of another position including one of less than full time, the appointing power may demote or transfer the employee to such a position.

Except as authorized by the board under the provisions of Section 18860, the employee demoted or transferred pursuant to this section shall receive the maximum of the salary range of the class to which he is demoted or transferred, provided that such salary is not greater than the salary he received at the time of his demotion or transfer.

(d) When the appointing power after considering the conclusions of the medical examination provided for by this section or medical reports from the employee's physician, and other pertinent information, concludes that the employee is

unable to perform the work of his present position, or any other position in the agency, and the employee is not eligible or elects not to accept disability or service retirement, the appointing power may terminate the appointment of the employee.

(e) The appointing power may demote, transfer or terminate an employee under this section without requiring the employee to submit to a medical examination, when the appointing power relies upon a written statement submitted to the appointing power by the employee as to the employee's condition or upon medical reports submitted to the appointing power by the employee.

(f) The employee shall be given written notice of any demotion, transfer, or termination under this section at least 15 days prior to the effective date thereof. No later than 15 days after service of such notice, the employee may appeal the action of the appointing power to the board. The board, in accordance with its rules, shall hold a hearing. The board may sustain, disapprove, or modify the demotion, transfer, or termination.

(g) Whenever the board revokes or modifies a demotion, transfer, or termination, the board shall direct the payment of salary to the employee calculated on the same basis and using the same standards as provided in Government Code Section 19584.

(h) Upon the request of an appointing authority or the petition of the employee who was terminated, demoted, or transferred in accordance with this section, the employee shall be reinstated to an appropriate vacant position in the same class, in a comparable class or in a lower related class if it is determined by the board that the employee is no longer incapacitated for duty. Such a reinstatement to a position in a different agency may be made only with the concurrence of that agency. In approving or ordering such reinstatements, the board may require the satisfactory completion of a new probationary period. When the board finds the employee who was terminated, demoted or transferred is no longer incapacitated for duty but there is no vacant position to which he appropriately can be appointed, the name of the employee shall be placed upon such reemployment lists as are determined to be appropriate by the board.

SEC. 5. Section 19536 of the Government Code is amended to read:

19536. Any employee replaced by such demotion has the same option of demotion afforded by Section 19535 as if his position had been abolished or discontinued.

Except as authorized by the board under the provisions of Section 18860, any employee demoted pursuant to this article shall receive the maximum of the salary range of the class to which he is demoted; provided, that such salary is not greater than the salary he received at the time of demotion.

CHAPTER 1287

An act to amend Sections 5650 and 5656 of the Welfare and Institutions Code, relating to drugs.

[Approved by Governor September 17, 1970. Filed with Secretary of State September 17, 1970.]

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

SECTION 1. Section 5650 of the Welfare and Institutions Code is amended to read:

5650. No later than the first day of the month following the month in which statutes enacted at the 1968 Regular Session of the Legislature are effective and on or before October 1 of each year thereafter, the board of supervisors of each county, or boards of supervisors of counties acting jointly, shall adopt, and submit to the Director of Mental Hygiene, an annual county Short-Doyle plan for the next fiscal year for mental health services in the county or counties. The purpose of a county plan shall be to provide the basis for reimbursement pursuant to the provisions of this division and to coordinate services as specified in this chapter in such a manner as to avoid duplication fragmentation of services, and unnecessary expenditures. To achieve this purpose, a county Short-Doyle plan shall provide for the most appropriate and economical use of all existing public and private agencies and personnel. A county Short-Doyle plan must include the fullest possible and most appropriate participation by existing city Short-Doyle programs, state hospitals and clinics, public and private general and psychiatric hospitals, city, county, and state health and welfare agencies, public guardians, mental health counselors, alcoholism programs, drug abuse programs including services offered in the public schools, probation departments, physicians, psychologists, social workers, public health nurses, psychiatric technicians, and all such other public and private agencies and personnel as are required to, or may agree to, participate in the county Short-Doyle plan.

SEC. 2. Section 5656 of the Welfare and Institutions Code is amended to read:

5656. The county Short-Doyle plan may propose the expansion of existing services to accommodate increased clientele over and above those served in fiscal year 1968–1969, or the establishment of any of the following services to the mentally disordered, mentally retarded, or persons afflicted with alcoholism:

(a) Inpatient services;

(b) Outpatient services;

(c) Partial hospitalization services, such as day care, night care, weekend care;

(d) Emergency services 24 hours per day available within one of the three services listed above;

(e) Consultation and education services available to community agencies and professional personnel and information services to the general public, including drug counseling services offered in public schools;

(f) Diagnostic services;

(g) Rehabilitative services, including vocational and educational programs;

(h) Precare and aftercare services in the community, including foster home placement, home visiting and halfway houses;

(i) Training;

(j) Research and evaluation.

CHAPTER 1288

An act to amend Section 12509 of the Vehicle Code, relating to instruction permit.

[Approved by Governor September 17, 1970. Filed with Secretary of State September 17, 1970.]

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

SECTION 1. Section 12509 of the Vehicle Code is amended to read:

12509. (a) Except as provided in subdivision (f) of Section 12514 any physically or mentally qualified person who is 15 years and 6 months or over who has successfully completed approved courses in automobile driver education and driver training as provided in Section 12507 or any physically or mentally qualified person who is over the age of 17 years and 6 months may apply to the department for an instruction permit. The department for good cause may issue to the applicant an instruction permit which shall entitle the applicant while having the permit in his immediate possession to drive a motor vehicle, including a motorcycle subject to the limitations imposed by subdivision (d) of this section, upon the highways for a period not exceeding six months when except in the case of a motorcycle, accompanied by, and under the immediate supervision of, a California licensed driver 21 years of age or over not holding a probationary type license The restriction as to the age of the person accompanying the applicant shall not apply when he is an instructor licensed under Chapter 1 (commencing with Section 11000) of Division 5 of this code or a qualified instructor as defined in Section 18252.2 of the Education Code. The department may extend the period of the permit for an additional period not to exceed six months upon receipt of a written request from the applicant prior to the expiration of the original six-months period. The department may further restrict the permits as it may determine to be appropriate to assure the safe operation of a motor vehicle by the permittee.

(b) The department may also issue an instruction permit to any physically and mentally qualified person age 15 years and 6 months or over who has successfully completed an approved course in automobile driver education and is taking driver training as provided in Section 12507. The instruction permit shall be restricted to the operation of a motor vehicle other than a motorcycle either when taking the driver training instruction of a kind referred to in Section 12507, or when practicing such instruction and accompanied by a licensed driver as provided in subdivision (a).

(c) The department may also issue an instruction permit to a person who has been issued a valid driver's license to authorize the person to obtain driver training instruction and to practice such instruction in order to obtain an additional class driver's license or an endorsement.

(d) The department may also issue an instruction permit to any physically and mentally qualified person who is 15 years and 6 months or over and has successfully completed approved courses in automobile driver education and driver training as provided in Section 12507 or to any physically and mentally qualified person who is over the age of 17 years and 6 months which shall enable the applicant while having the permit in his immediate possession to drive a motorcycle, except that such applicant shall not operate a motorcycle during hours of darkness, shall stay off any freeways which have full control of access and no crossings at grade and shall not carry any passenger except an instructor licensed under Chapter 1 (commencing with Section 11100) of Division 5 of this code or a qualified instructor as defined in Section 18252.2 of the Education Code.

CHAPTER 1289

An act to amend Sections 1238 and 1538.5 of the Penal Code, relating to criminal procedure.

[Approved by Governor September 17, 1970. Filed with Secretary of State September 17, 1970.]

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

SECTION 1. Section 1238 of the Penal Code is amended to read:

1238. (a) An appeal may be taken by the people from any of the following:

(1) An order setting aside the indictment, information, or complaint.

(2) A judgment for the defendant on a demurrer to the indictment, accusation, or information.

(3) An order granting a new trial.

(4) An order arresting judgment.

(5) An order made after judgment, affecting the substantial rights of the people.

(6) An order modifying the verdict or finding by reducing the degree of the offense or the punishment imposed.

(7) An order dismissing a case prior to trial made upon motion of the court pursuant to Section 1385 whenever such order is based upon an order granting defendant's motion to return or suppress property or evidence made at a special hearing as provided in this code.

(8) An order or judgment dismissing or otherwise terminating the action before the defendant has been placed in jeopardy or where the defendant has waived jeopardy.

(b) If, pursuant to paragraph (8) of subdivision (a), the people prosecute an appeal to decision, or any review of such decision, it shall be binding upon them and they shall be prohibited from refiling the case which was appealed.

(c) When an appeal is taken pursuant to paragraph (7) of subdivision (a), the court may review the order granting defendant's motion to return or suppress property or evidence made at a special hearing as provided in this code.

SEC. 2. Section 1538.5 of the Penal Code is amended to read:

1538.5. (a) A defendant may move for the return of property or to suppress as evidence any tangible or intangible thing obtained as a result of a search or seizure on either of the following grounds:

(1) The search or seizure without a warrant was unreasonable.

(2) The search or seizure with a warrant was unreasonable because (i) the warrant is insufficient on its face; (ii) the property or evidence obtained is not that described in the warrant; (iii) there was not probable cause for the issuance of the warrant; (iv) the method of execution of the warrant violated federal or state constitutional standards; or (v) there was any other violation of federal or state constitutional standards.

(b) When consistent with the procedures set forth in this section and subject to the provisions of Section 170 through 170.6 of the Code of Civil Procedure, the motion should first be heard by the magistrate who issued the search warrant if there is a warrant.

(c) Whenever a search or seizure motion is made in the municipal, justice or superior court as provided in this section, the judge or magistrate shall receive evidence on any issue of fact necessary to determine the motion.

(d) If a search or seizure motion is granted pursuant to the proceedings authorized by this section, the property or evidence shall not be admissible against the movant at any trial or other hearing unless further proceedings authorized by this section or Section 1238 or Section 1466 are utilized by the people.

(e) If a search or seizure motion is granted at a trial, the property shall be returned upon order of the court unless it is

otherwise subject to lawful detention. If the motion is granted at a special hearing, the property shall be returned upon order of the court only if, after the conclusion of any further proceedings authorized by this section or Section 1238 or Section 1466, the property is not subject to lawful detention or if the time for initiating such proceedings has expired, whichever occurs last. If the motion is granted at a preliminary hearing, the property shall be returned upon order of court after 10 days unless the property is otherwise subject to lawful detention or unless, within that time, further proceedings authorized by this section or Section 1238 are utilized; if they are utilized, the property shall be returned only if, after the conclusion of such proceedings, the property is no longer subject to lawful detention.

(f) If the property or evidence relates to a felony offense initiated by a complaint, the motion may be made in the municipal or justice court at the preliminary hearing.

(g) If the property or evidence relates to a misdemeanor complaint, the motion shall be made in the municipal or justice court before trial and heard prior to trial at a special hearing relating to the validity of the search or seizure If the property or evidence relates to a misdemeanor filed together with a felony, the procedure provided for a felony in this section and Sections 1238 and 1539 shall be applicable.

(h) If, prior to the trial of a felony or misdemeanor, opportunity for this motion did not exist or the defendant was not aware of the grounds for the motion, the defendant shall have the right to make this motion during the course of trial in the municipal, justice or superior court.

(i) If the property or evidence obtained relates to a felony offense initiated by complaint and the defendant was held to answer at the preliminary hearing, or if the property or evidence relates to a felony offense initiated by indictment, the defendant shall have the right to renew or make the motion in the superior court at a special hearing relating to the validity of the search or seizure which shall be heard prior to trial and at least 10 days after notice to the people unless the people are willing to waive a portion of this time. The defendant shall have the right to litigate the validity of a search or seizure de novo on the basis of the evidence presented at a special hearing. After the special hearing is held in the superior court, any review thereafter desired by the defendant prior to trial shall be by means of an extraordinary writ of mandate or prohibition filed within 30 days after the denial of his motion at the special hearing.

(j) If the property or evidence relates to a felony offense initiated by complaint and the defendant's motion for the return of the property or suppression of the evidence at the preliminary hearing is granted, and if the defendant is not held to answer at the preliminary hearing, the people may file a new complaint or seek an indictment after the preliminary hearing, and the ruling at the prior hearing shall not

be binding in any subsequent proceeding. If the property or evidence relates to a felony offense initiated by complaint and the defendant's motion for the return or suppression of the property or evidence at the preliminary hearing is granted, and if the defendant is held to answer at the preliminary hearing, the ruling at the preliminary hearing shall be binding upon the people unless, upon notice to the defendant and the court in which the preliminary hearing was held and upon the filing of an information, the people within 10 days after the preliminary hearing request in the superior court a special hearing, in which case the validity of the search or seizure shall be relitigated de novo on the basis of the evidence presented at the special hearing, and the defendant shall be entitled, as a matter of right, to a continuance of the special hearing for a period of time up to 30 days. If defendant's motion is granted at a special hearing in the superior court, the people, if they have additional evidence relating to the motion and not presented at the special hearing, shall have the right to show good cause at the trial why such evidence was not presented at the special hearing and why the prior ruling at the special hearing should not be binding, or the people may seek appellate review as provided in subdivision (o), unless the court prior to the time such review is sought has dismissed the case pursuant to Section 1385. If the property or evidence seized relates solely to a misdemeanor complaint, and the defendant made a motion for the return of property or the suppression of evidence in the municipal court or justice court prior to trial, both the people and defendant shall have the right to appeal any decision of that court relating to that motion to the superior court of the county in which such inferior court is located, in accordance with the California Rules of Court provisions governing appeals from municipal and justice courts in criminal cases. If the people prosecute review by appeal or writ to decision, or any review thereof, in a felony or misdemeanor case, it shall be binding upon them.

(k) If the defendant's motion to return property or suppress evidence is granted and the case is dismissed pursuant to Section 1385, or the people appeal in a misdemeanor case pursuant to subdivision (j) or the people file a petition for writ of mandate or prohibition pursuant to subdivision (o) or a notice of intention to file such petition, the defendant shall be released if he is in custody and not returned to custody unless the proceedings are resumed in the trial court and he is lawfully ordered by the court to be returned to custody.

(*l*) The trial of a criminal case shall be stayed to a specified date pending the termination in the appellate courts of this state of the proceedings provided for in this section, Section 1238, or Section 1466 and, except upon stipulation of the parties, pending the time for the initiation of such proceedings. Upon the termination of such proceedings, the defendant shall be brought to trial as provided by Section 1382, and subject to the provisions of Section 1382, whenever the people

have sought and been denied appellate review pursuant to subdivision (o), the defendant shall be entitled to have the action dismissed if he is not brought to trial within 30 days of the date of the order which is the last denial of the petition. Nothing contained in this subdivision shall prohibit a court, at the same time as it rules upon the search and seizure motion, from dismissing a case pursuant to Section 1385 when such dismissal is upon the court's own motion and is based upon an order at the special hearing granting defendant's motion to return property or suppress evidence. In a misdemeanor case, the defendant shall be entitled to a continuance of up to 30 days if he intends to file a motion to return property or suppress evidence and needs this time to prepare for the special hearing on the motion. In case of an appeal by the defendant in a misdemeanor case from the denial of such motion, he shall be entitled to bail as a matter of right, and, in the discretion of the trial or appellate court, may be released on his own recognizance pursuant to Section 1318.4.

(m) The proceedings provided for in this section, Section 995, Section 1238, and Section 1466 shall constitute the sole and exclusive remedies prior to conviction to test the unreasonableness of a search or seizure where the person making the motion for the return of property or the suppression of evidence is a defendant in a criminal case and the property or thing has been offered or will be offered as evidence against him. A defendant may seek further review of the validity of a search or seizure on appeal from a conviction in a criminal case notwithstanding the fact that such judgment of conviction is predicated upon a plea of guilty. Such review on appeal may be obtained by the defendant providing that at some stage of the proceedings prior to conviction he has moved for the return of property or the suppression of the evidence.

(n) Nothing contained in this section shall prohibit a person from making a motion, otherwise permitted by law, to return property, brought on the ground that the property obtained is protected by the free speech and press provisions of the federal and state constitutions. Nothing in this section shall be construed as altering (i) the law of standing to raise the issue of an unreasonable search or seizure; (ii) the law relating to the status of the person conducting the search or seizure; (iii) the law relating to the burden of proof regarding the search or seizure; (iv) the law relating to the reasonableness of a search or seizure regardless of any warrant which may have been utilized; or (v) the procedure and law relating to a motion made pursuant to Section 995 or the procedures which may be initiated after the granting or denial of such a motion.

(o) Within 30 days after a defendant's motion is granted at a special hearing in the superior court the people may file a petition for writ of mandate or prohibition, seeking appellate review of the ruling regarding the search or seizure motion. If the trial of a criminal case is set for a date which is less than 30 days from the granting of a defendant's motion

at a special hearing in the superior court, the people, if they have not filed such a petition and wish to preserve their right to file such a petition, shall file in the superior court on or before the trial date or within 10 days after the special hearing, whichever occurs last, a notice of intention to file such a petition and shall serve a copy of the notice upon the defendant.

CHAPTER 1290

An act to amend Sections 286, 11701, and 11709 of, and to add Section 11710.5 to, the Vehicle Code, relating to snowmobiles.

[Approved by Governor September 17, 1970. Filed with Secretary of State September 17, 1970.]

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

SECTION 1. Section 286 of the Vehicle Code is amended to read:

286. Except as otherwise provided in Article 1 (commencing with Section 11700) of Chapter 4 of Division 5, the term "dealer" does not include:

(a) Insurance companies, banks, finance companies, public officials, or any other person coming into possession of vehicles in the regular course of business, who shall sell such vehicles under a contractual right or obligation, or in performance of an official duty, or in authority of any court of law; provided, such sale is for the purpose of saving the seller from loss or pursuant to the authority of a court of competent jurisdiction.

(b) Persons who sell or distribute vehicles of a type subject to registration for a manufacturer to vehicle dealers licensed under this code, or who are employed by manufacturers or distributors to promote the sale of vehicles dealt in by such manufacturers or distributors; provided, however, that if any such persons also sell vehicles at retail, they shall be deemed to be vehicle dealers and are subject to this code.

(c) Persons regularly employed as salesmen by vehicle dealers licensed under this code while acting within the scope of such employment.

(d) Persons exclusively engaged in the bona fide business of exporting vehicles or of soliciting orders for the sale and delivery of vehicles outside the territorial limits of the United States; provided, no federal excise tax is legally payable on any of such transactions, or such tax is legally refundable on such transactions. Persons not exclusively engaged in the bona fide business of exporting vehicles but who are engaged in the business of soliciting orders for the sale and delivery of vehicles outside the territorial limits of the United States shall be exempt from licensure as dealers only if their sales of such vehicles produces less than 10 percent of their total gross revenue from all business transacted.

(e) Persons not engaged in the purchase or sale of vehicles as a business, disposing of vehicles acquired for their own use, or for use in their business when the same shall have been so acquired and used in good faith, and not for the purpose of avoiding the provisions of this code.

(f) Persons who are engaged in a business involving the purchase, sale or exchange of boat trailers.

(g) Persons who are engaged in a business activity which does not involve the purchase, sale or exchange of vehicles except incidentally in connection with the purchase, sale or exchange of vehicles of a type not subject to registration under this code, boat trailers or midget autos or racers advertised as being built exclusively for use by children, minibikes, tote goats, and vehicles of a similar nature which are not intended for use on the highways.

(h) Persons temporarily retained as auctioneers solely for the purpose of disposing of vehicle stock inventories on behalf of the owners thereof by means of public auctions at the location of such owners' place of business, or as otherwise approved by the department, provided intermediate physical possession or control of, or an ownership interest in such inventory is not conveyed to the persons so retained.

SEC. 2. Section 11701 of the Vehicle Code is amended to read:

11701. Every manufacturer of, transporter of, or dealer in vehicles of a type subject to registration or of snowmobiles shall make application to the department for a license and certificate containing a general distinguishing number. The applicant shall submit proof of his status as a bona fide manufacturer, transporter, or dealer as may reasonably be required by the department.

SEC. 3. Section 11709 of the Vehicle Code is amended to read:

11709. A dealer's established place of business and such other sites or locations as may be operated and maintained by such dealers in conjunction with their established place of business shall have posted in a conspicuous place in each and every location the certificate and license issued by the department and shall have erected or posted thereon such signs or devices providing information relating to the dealer's name, the location and address of such dealer's established place of business to enable any person doing business with such dealer to identify him properly. Every such sign erected or posted on an established place of business, shall have an area of not less than two square feet per side displayed, and shall contain lettering of sufficient size to enable the sign to be read from a distance of at least 50 feet.

Notwithstanding the provisions of Section 11704 and this section, a dealer may display vehicles at a fair, exposition or similar exhibit without securing a branch license providing no actual sales are made at such events, and that such display does not exceed 30 days.

This section shall not be applicable to a dealer in snowmobiles.

SEC. 4. Section 11710.5 is added to the Vehicle Code, to read:

11710.5. A dealer in vehicles of a type subject to registration, who holds a license and certificate issued pursuant to this article and is bonded, shall not be required to procure and file with the department another bond, as required by Section 11710 or 11710.1, before being issued or renewed a license as a dealer of snowmobiles.

CHAPTER 1291

An act to amend Section 5328 of the Welfare and Institutions Code, relating to mental health records.

[Approved by Governor September 17, 1970 Filed with Secretary of State September 17, 1970.]

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

SECTION 1. Section 5328 of the Welfare and Institutions Code is amended to read:

5328. All information and records obtained in the course of providing services under Division 5 (commencing with Section 5000), Division 6 (commencing with Section 6000), or Division 7 (commencing with Section 7000) to either voluntary or involuntary recipients of services shall be confidential. Information and records may be disclosed only:

(a) In communications between qualified professional persons in the provision of services or appropriate referrals, or in the course of conservatorship proceedings. The consent of the patient, or his guardian or conservator must be obtained before information or records may be disclosed by a professional person employed by a facility to a professional person not employed by the facility who does not have the medical responsibility for the patient's care.

(b) When the physician in charge of the patient, with the approval of the patient, designates persons to whom information or records may be released, except that nothing in this article shall be construed to compel a physician, psychologist, social worker, nurse, attorney, or other professional person to reveal information which has been given to him in confidence by members of a patient's family.

(c) To the extent necessary to make claims on behalf of a recipient for aid, insurance, or medical assistance to which he may be entitled.

(d) If the recipient of services is a ward or conservatee, and his guardian or conservator designates, in writing, persons to whom records or information may be disclosed, except that nothing in this article shall be construed to compel a physician, psychologist, social worker, nurse, attorney, or other profes-

sional person to reveal information which has been given to him in confidence by members of a patient's family.

(e) For research, provided that the Director of Mental Hygiene designates by regulation, rules for the conduct of research. Such rules shall include, but need not be limited to, the requirement that all researchers must sign an oath of confidentiality as follows:

_____
Date

As a condition of doing research concerning persons who have received services from _____ (fill in the facility, agency or person), I, _____, agree not to divulge any information obtained in the course of such research to unauthorized persons, and not to publish or otherwise make public any information regarding persons who have received services such that the person who received services is identifiable.

I recognize that unauthorized release of confidential information may make me subject to a civil action under provisions of the Welfare and Institutions Code.

_____
Signed

(f) To the courts, as necessary to the administration of justice.

(g) To governmental law enforcement agencies as needed for the protection of federal and state elective constitutional officers and their families.

CHAPTER 1292

An act to amend Section 12031 of the Penal Code, relating to the carrying of firearms.

[Approved by Governor September 17, 1970. Filed with Secretary of State September 17, 1970.]

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

SECTION 1. Section 12031 of the Penal Code is amended to read:

12031. (a) Except as provided in subdivision (b), every person who carries a loaded firearm on his person or in a vehicle while in any public place or on any public street in an incorporated city or in any public place or on any public street in a prohibited area of unincorporated territory is guilty of a misdemeanor.

(b) Subdivision (a) shall not apply to any of the following:

(1) Peace officers listed in Section 830.1 or 830.2, or subdivision (a) of Section 830.3, whether active or honorably retired, other duly appointed peace officers, full-time paid peace officers of other states and the federal government who are carrying out official duties while in California, or any person summoned

by any such officers to assist in making arrests or preserving the peace while he is actually engaged in assisting such officer.

(2) Guards or messengers of common carriers, banks, and other financial institutions while actually employed in and about the shipment, transportation, or delivery of any money, treasure, bullion, bonds, or other thing of value within this state.

(3) Members of the military forces of this state or of the United States engaged in the performance of their duties.

(4) Persons who are using target ranges for the purpose of practice shooting with a firearm, or who are members of shooting clubs while hunting on the premises of such clubs.

(5) Patrol special police officers appointed by the police commission of any city, county, or city and county under the express terms of its charter who also under the express terms of the charter (i) are subject to suspension or dismissal after a hearing on charges duly filed with the commission after a fair and impartial trial, (ii) must be not less than 21 years of age nor more than 40 years of age, (iii) must possess physical qualifications prescribed by the commission, and (iv) are designated by the police commission as the owners of a certain beat or territory as may be fixed from time to time by the police commission.

(6) The carrying of concealable weapons by persons who are authorized to carry such weapons pursuant to Article 3 (commencing with Section 12050) of Chapter 1 of Title 2 of Part 4 of the Penal Code.

(7) Private investigators, private patrol operators, and operators of a private patrol service who are licensed pursuant to Chapter 11 (commencing with Section 7500) of Division 3 of the Business and Professions Code, while acting within the course and scope of their employment.

(8) The carrying of weapons by animal control officers or zookeepers, regularly compensated as such by a governmental agency when acting in the course and scope of their employment and when designated by a local ordinance or, if the governmental agency is not authorized to act by ordinance, by a resolution, either individually or by class, to carry such weapons, or by persons who are authorized to carry such weapons pursuant to Section 607f of the Civil Code, while actually engaged in the performance of their duties pursuant to such section.

(9) Harbor policemen designated pursuant to Section 663.5 of the Harbors and Navigation Code.

(10) Building guards or night watchmen employed by any public agency, while acting within the scope and in the course of their employment.

(11) Uniformed security guards, regularly employed and compensated as such by persons engaged in any lawful business, while actually engaged in protecting and preserving the property of their employers.

(12) Employees or agents of a burglar alarm company while responding to an alarm, or such employees or agents, when in uniform, while on duty for the purpose of responding to an alarm. Nothing in this paragraph shall be construed to prohibit cities and counties from enacting ordinances requiring local licensing of those persons covered under this paragraph.

(c) In order to determine whether or not a firearm is loaded for the purpose of enforcing this section, peace officers are authorized to examine any firearm carried by anyone on his person or in a vehicle while in any public place or on any public street in an incorporated city or prohibited area of an unincorporated territory. Refusal to allow a peace officer to inspect a firearm pursuant to the provisions of this section constitutes probable cause for arrest for violation of this section.

(d) As used in this section "prohibited area" means any place where it is unlawful to discharge a weapon.

(e) A firearm shall be deemed to be loaded for the purposes of this section when there is an unexpended cartridge or shell, consisting of a case which holds a charge of powder and a bullet or shot, in, or attached in any manner to, the firearm, including, but not limited to, in the firing chamber, magazine, or clip thereof attached to the firearm; except that a muzzle-loader firearm shall be deemed to be loaded when it is capped or primed and has a powder charge and ball or shot in the barrel or cylinder.

(f) Nothing in this section shall prevent any person engaged in any lawful business, including a nonprofit organization, or any officer, employee, or agent authorized by such person for lawful purposes connected with such business, from having a loaded firearm within such person's place of business, or any person in lawful possession of private property from having a loaded firearm on such property.

(g) Nothing in this section shall prevent any person from carrying a loaded firearm in an area within an incorporated city while engaged in hunting, during such time and in such area as the hunting is not prohibited by the city council.

(h) Nothing in this section is intended to preclude the carrying of any loaded firearm, under circumstances where it would otherwise be lawful, by a person who reasonably believes that the person or property of himself or another is in immediate danger and that the carrying of such weapon is necessary for the preservation of such person or property.

(i) Nothing in this section is intended to preclude the carrying of a loaded firearm by any person while engaged in the act of making or attempting to make a lawful arrest.

(j) Nothing in this section shall prevent any person from having a loaded weapon, if it is otherwise lawful, at his place of residence, including any temporary residence or campsite.

SEC. 2. Section 12031 of the Penal Code is amended to read:

12031. (a) Except as provided in subdivision (b), every person who carries a loaded firearm on his person or in a vehicle while in any public place or on any public street in an incorporated city or in any public place or on any public street in a prohibited area of unincorporated territory is guilty of a misdemeanor.

(b) Subdivision (a) shall not apply to any of the following:

(1) Peace officers listed in Section 830.1 or 830.2, or subdivision (a) of Section 830.3, whether active or honorably retired, other duly appointed peace officers, full-time paid peace officers of other states and the federal government who are carrying out official duties while in California, or any person summoned by any such officers to assist in making arrests or preserving the peace while he is actually engaged in assisting such officer.

(2) Guards or messengers of common carriers, banks, and other financial institutions while actually employed in and about the shipment, transportation, or delivery of any money, treasure, bullion, bonds, or other thing of value within this state.

(3) Members of the military forces of this state or of the United States engaged in the performance of their duties.

(4) Persons who are using target ranges for the purpose of practice shooting with a firearm, or who are members of shooting clubs while hunting on the premises of such clubs.

(5) Patrol special police officers appointed by the police commission of any city, county, or city and county under the express terms of its charter who also under the express terms of the charter (i) are subject to suspension or dismissal after a hearing on charges duly filed with the commission after a fair and impartial trial, (ii) must be not less than 21 years of age nor more than 40 years of age, (iii) must possess physical qualifications prescribed by the commission, and (iv) are designated by the police commission as the owners of a certain beat or territory as may be fixed from time to time by the police commission.

(6) The carrying of concealable weapons by persons who are authorized to carry such weapons pursuant to Article 3 (commencing with Section 12050) of Chapter 1 of Title 2 of Part 4 of the Penal Code.

(7) Private investigators, private patrol operators, and operators of a private patrol service who are licensed pursuant to Chapter 11 (commencing with Section 7500) of Division 3 of the Business and Professions Code, while acting within the course and scope of their employment.

(8) The carrying of weapons by animal control officers or zookeepers, regularly compensated as such by a governmental agency when acting in the course and scope of their employment and when designated by a local ordinance or, if the governmental agency is not authorized to act by ordinance, by a resolution, either individually or by class, to carry such weapons, or by persons who are authorized to carry such

weapons pursuant to Section 607f of the Civil Code, while actually engaged in the performance of their duties pursuant to such section.

(9) Harbor policemen designated pursuant to Section 663.5 of the Harbors and Navigation Code.

(10) Uniformed security guards or night watchmen employed by any public agency, while acting within the scope and in the course of their employment.

(11) Uniformed security guards, regularly employed and compensated as such by persons engaged in any lawful business, while actually engaged in protecting and preserving the property of their employers.

(12) Employees or agents of a burglar alarm company while responding to an alarm, or such employees or agents, when in uniform, while on duty for the purpose of responding to an alarm. Nothing in this paragraph shall be construed to prohibit cities and counties from enacting ordinances requiring local licensing of those persons covered under this paragraph.

(c) In order to determine whether or not a firearm is loaded for the purpose of enforcing this section, peace officers are authorized to examine any firearm carried by anyone on his person or in a vehicle while in any public place or on any public street in an incorporated city or prohibited area of an unincorporated territory. Refusal to allow a peace officer to inspect a firearm pursuant to the provisions of this section constitutes probable cause for arrest for violation of this section.

(d) As used in this section "prohibited area" means any place where it is unlawful to discharge a weapon.

(e) A firearm shall be deemed to be loaded for the purposes of this section when there is an unexpended cartridge or shell, consisting of a case which holds a charge of powder and a bullet or shot, in, or attached in any manner to, the firearm, including, but not limited to, in the firing chamber, magazine, or clip thereof attached to the firearm; except that a muzzle-loader firearm shall be deemed to be loaded when it is capped or primed and has a powder charge and ball or shot in the barrel or cylinder.

(f) Nothing in this section shall prevent any person engaged in any lawful business, including a nonprofit organization, or any officer, employee, or agent authorized by such person for lawful purposes connected with such business, from having a loaded firearm within such person's place of business, or any person in lawful possession of private property from having a loaded firearm on such property.

(g) Nothing in this section shall prevent any person from carrying a loaded firearm in an area within an incorporated city while engaged in hunting, during such time and in such area as the hunting is not prohibited by the city council.

(h) Nothing in this section is intended to preclude the carrying of any loaded firearm, under circumstances where it would otherwise be lawful, by a person who reasonably believes

that the person or property of himself or another is in immediate danger and that the carrying of such weapon is necessary for the preservation of such person or property.

(i) Nothing in this section is intended to preclude the carrying of a loaded firearm by any person while engaged in the act of making or attempting to make a lawful arrest.

(j) Nothing in this section shall prevent any person from having a loaded weapon, if it is otherwise lawful, at his place of residence, including any temporary residence or campsite.

SEC. 3. It is the intent of the Legislature, if amendments to Section 12031 of the Penal Code proposed by both this bill and Assembly Bill No. 2276 are enacted, that both amendments be given effect and incorporated in Section 12031 in the form set forth in Section 2 of this act. Therefore, in the event Assembly Bill No. 2276 is enacted and amends Section 12031, Section 2 of this act shall become operative at the same time that Section 12031 as amended by Assembly Bill No. 2276 becomes operative, and at that time, Section 12031 of the Penal Code as amended by Section 1 of this act is repealed.

CHAPTER 1293

An act to amend Sections 21664, 21665, and 21666 of the Public Utilities Code, relating to airports, and making an appropriation therefor.

[Approved by Governor September 15, 1970. Filed with Secretary of State September 17, 1970.]

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

SECTION 1. Section 21664 of the Public Utilities Code is amended to read:

21664. Any political subdivision or person desiring or planning to construct or establish an airport may apply to the department for approval of the site prior to the acquisition of the site or prior to the construction or establishment of the proposed airport. The application shall set forth the location of all highways, railways, mains, pipes, conduits, wires, cables, poles, and other facilities and structures of public service corporations and of persons engaged in radio or television broadcasting located within the area proposed to be acquired or zoned, and the names of the owners of the facilities and structures, and such other information as may be required by the rules and regulations of the department. Whenever an airport owned or operated by the United States ceases to be so owned or operated, any political subdivision or person desiring or planning to own or operate said airport shall apply to the department in compliance with the provisions of this article. If such an airport holds a permit issued by the department, the application shall be confined to consideration of the matters enumerated in subdivision (e) of Section 21666.

SEC. 2. Section 21665 of the Public Utilities Code is amended to read:

21665. On its own motion, the department may, or upon the request of an affected or interested person the department shall, hold a public hearing in connection with the approval of an airport site or the issuance of an airport permit. Before the department grants or denies approval of an airport site or issues an original permit to use or operate an airport, all public service corporations and all persons or corporations engaged in radio or television broadcasting owning facilities in the area involved shall be notified of the application and shall have 15 days after the notice in which to demand a public hearing. The public hearing required by this section shall be held at a location in the immediate vicinity of the airport or airport site.

SEC. 3. Section 21666 of the Public Utilities Code is amended to read:

21666. The department shall grant approval of an airport site and issue an airport permit if it is satisfied that all of the following requirements have been met:

(a) The site meets or exceeds the minimum airport standards specified by the department in its rules and regulations, provided, however, that the department may modify its minimum airport standards when issuing a permit or site approval if it determines that the proposed airport, if constructed or established, will conform to minimum standards of safety.

(b) Safe air traffic patterns have been established for the proposed airport and for all existing airports and approved airport sites in its vicinity.

(c) The zone of approach of the airport has been engineered in conformity with the provisions of Section 21403, the documents relating thereto are available for public inspection.

(d) The department when approving an airport site or issuing a permit may impose reasonable conditions which it deems necessary to effectuate the purposes of this article.

(e) The advantages to the public in selection of the site outweigh the disadvantages to the environment. Environmental considerations include but are not limited to noise, air pollution, and the burden upon the surrounding area caused by the airport, including but not limited to, surface traffic and expense. The standards by which noise considerations are weighed shall be the level of noise acceptable to a reasonable person residing in the vicinity of the airport. The regulations adopted by the department pursuant to Section 21669 may be considered in determining such level of noise.

Each airport permit or site approval, or amendments thereto, issued by the department shall set forth any conditions imposed thereon, and any modification of the general minimum airport standards prescribed by the department relative to such airport or airport site.

The department may refuse to approve an airport site or issue a permit under this article if it determines after notice and hearing held pursuant to this part that the airport site does not meet the requirements of this section.

SEC. 4. The sum of forty thousand dollars ($40,000) is hereby appropriated from the California Environmental Protection Program Fund to the Department of Aeronautics for expenditure by it without regard to fiscal years in carrying out the duties imposed upon it by this act. This section shall become operative only if Senate Bill No. 262 or Assembly Bill No. 522 is enacted, or both are enacted, by the Legislature at its 1970 Regular Session, and in such case shall become operative at the same time as this act takes effect.

CHAPTER 1294

An act to add Section 146 to the Streets and Highways Code, relating to freeways.

[Approved by Governor September 17, 1970. Filed with Secretary of State September 17, 1970.]

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

SECTION 1. Section 146 is added to the Streets and Highways Code, to read:

146. Notwithstanding any other provisions of this code, any public agency having responsibility for the planning and development within a region of this state of public transportation systems may, with the approval of the California Highway Commission, use the airspace over or under any existing state freeway in that region, or any portion other than the travel roadway of the right-of-way of such freeway, as a route for a public transportation system, such as a railway, monorail, tracked air cushion vehicle system or other such system which, in the discretion of the agency and the department, is feasible from an engineering standpoint, in conformity with established safety design standards, and is consistent with good ecological and environmental planning. The development and construction of such facilities shall be financed out of any available federal, state, and local funds.

CHAPTER 1295

An act to amend Section 6254 of, and to add Section 6254.7 to, the Government Code, to add Sections 39068.1, 39068.2, 39068.3, 39068.4, 39068.5, and 39113 to the Health and Safety Code, and to add Sections 21655.5, 27157, and 27158 to the Vehicle Code, relating to environmental control.

[Approved by Governor September 17, 1970. Filed with Secretary of State September 17, 1970.]

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

SECTION 1. Section 6254 of the Government Code is amended to read:

6254. Except as provided in Section 6254.7, nothing in this chapter shall be construed to require disclosure of records that are:

(a) Preliminary drafts, notes, or interagency or intra-agency memoranda which are not retained by the public agency in the ordinary course of business, provided that the public interest in withholding such records clearly outweighs the public interest in disclosure;

(b) Records pertaining to pending litigation to which the public agency is a party, or to claims made pursuant to Division 3.6 (commencing with Section 810) of Title 1 of the Government Code, until such litigation or claim has been finally adjudicated or otherwise settled;

(c) Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy;

(d) Trade secrets;

(e) Geological and geophysical data, plant production data and similar information relating to utility systems development, or market or crop reports, which are obtained in confidence from any person;

(f) Records of complaints to or investigations conducted by, or records of intelligence information or security procedures of, the office of the Attorney General and the Department of Justice, and any state or local police agency, or any such investigatory or security files compiled by any other state or local agency for correctional, law enforcement or licensing purposes;

(g) Test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment, or academic examination;

(h) The contents of real estate appraisals, engineering or feasibility estimates and evaluations made for or by the state or local agency relative to the acquisition of property, or to prospective public supply and construction contracts, until such time as all of the property has been acquired or all of the contract agreement obtained, provided, however, the law of eminent domain shall not be affected by this provision;

(i) Information required from any taxpayer in connection with the collection of local taxes which is received in confidence and the disclosure of the information to other persons would result in unfair competitive disadvantage to the person supplying such information;

(j) Library and museum materials made or acquired and presented solely for reference or exhibition purposes; and

(k) Records the disclosure of which is exempted or prohibited pursuant to provisions of federal or state law, including, but not limited to, provisions of the Evidence Code relating to privilege.

(*l*) In the custody of or maintained by the Governor or employees of the Governor's office employed directly in his office, provided that public records shall not be transferred to the custody of the Governor's office to evade the disclosure provisions of this chapter.

(m) In the custody of or maintained by the Legislative Counsel.

Nothing in this section is to be construed as preventing any agency from opening its records concerning the administration of the agency to public inspection, unless disclosure is otherwise prohibited by law.

SEC. 1.5. Section 6254 of the Government Code is amended to read:

6254. Except as provided in Section 6254.7, nothing in this chapter shall be construed to require disclosure of records that are:

(a) Preliminary drafts, notes, or interagency or intra-agency memoranda which are not retained by the public agency in the ordinary course of business, provided that the public interest in withholding such records clearly outweighs the public interest in disclosure;

(b) Records pertaining to pending litigation to which the public agency is a party, or to claims made pursuant to Division 3.6 (commencing with Section 810) of Title 1 of the Government Code, until such litigation or claim has been finally adjudicated or otherwise settled;

(c) Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy;

(d) Contained in or related to:

(1) Applications filed with any state agency responsible for the regulation or supervision of the issuance of securities or of financial institutions, including, but not limited to, banks, savings and loan associations, industrial loan companies, credit unions, and insurance companies;

(2) Examination, operating, or condition reports prepared by, on behalf of, or for the use of any state agency referred to in subdivision (1);

(3) Preliminary drafts, notes, or interagency or intra-agency communications prepared by, on behalf of, or for the use of any state agency referred to in subdivision (1); or

(4) Information received in confidence by any state agency referred to in subdivision (1).

(e) Geological and geophysical data, plant production data and similar information relating to utility systems development, or market or crop reports, which are obtained in confidence from any person;

(f) Records of complaints to or investigations conducted by, or records of intelligence information or security procedures of, the office of the Attorney General and the Department of Justice, and any state or local police agency, or any such investigatory or security files compiled by any other state or local

agency for correctional, law enforcement or licensing purposes;

(g) Test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment, or academic examination;

(h) The contents of real estate appraisals, engineering or feasibility estimates and evaluations made for or by the state or local agency relative to the acquisition of property, or to prospective public supply and construction contracts, until such time as all of the property has been acquired or all of the contract agreement obtained, provided, however, the law of eminent domain shall not be affected by this provision;

(i) Information required from any taxpayer in connection with the collection of local taxes which is received in confidence and the disclosure of the information to other persons would result in unfair competitive disadvantage to the person supplying such information;

(j) Library and museum materials made or acquired and presented solely for reference or exhibition purposes; and

(k) Records the disclosure of which is exempted or prohibited pursuant to provisions of federal or state law, including, but not limited to, provisions of the Evidence Code relating to privilege.

(*l*) In the custody of or maintained by the Governor or employees of the Governor's office employed directly in his office, provided that public records shall not be transferred to the custody of the Governor's office to evade the disclosure provisions of this chapter.

(m) In the custody of or maintained by the Legislative Counsel.

(n) Statements of personal worth or personal financial data required by a licensing agency and filed by an applicant with such licensing agency to establish his personal qualification for the license, certificate, or permit applied for.

Nothing in this section is to be construed as preventing any agency from opening its records concerning the administration of the agency to public inspection, unless disclosure is otherwise prohibited by law.

SEC. 2. Section 6254.7 is added to the Government Code, to read:

6254.7. (a) All information, analyses, plans, or specifications that disclose the nature, extent, quantity, or degree of air contaminants which any article, machine, equipment, or other contrivance will produce, which any air pollution control district requires any applicant to provide before such applicant builds, erects, alters, replaces, operates, sells, rents, or uses such article, machine, equipment, or other contrivance, are public records.

(b) All air monitoring data, including data compiled from stationary sources, are public records.

(c) Trade secrets are not public records under this section. "Trade secrets," as used in this section, may include, but are

not limited to, any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information which is not patented, which is known only to certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article of trade or a service having commercial value, and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.

SEC. 3. Section 39068.1 is added to the Health and Safety Code, to read:

39068.1. (a) During the 1972 model year, but not later than January 1, 1972, the regulations adopted pursuant to subdivision (m) of Section 39052 shall provide for the testing of motor vehicles on factory assembly lines or in such manner as the board determines best suited to carry out the purpose of this part.

(b) Should a motor vehicle not meet the prescribed assembly line standards, the motor vehicle may be retested according to the official test procedures upon which original approval for that make and model vehicle was based. Any motor vehicle meeting the applicable emission standards by either of the aforementioned testing procedures shall be deemed to meet the emission standards of the State of California and shall be eligible for sale in this state.

(c) Commencing with the 1973 model year, no new motor vehicle shall be sold in California that does not meet the emission standards adopted by the board, and any manufacturer who sells, attempts to sell, or causes to be offered for sale a new motor vehicle that fails to meet the applicable emission standards shall be subject to a civil penalty of five thousand dollars ($5,000) for each such action. The board and the Department of the California Highway Patrol shall enforce the provisions of this subdivision.

SEC. 4. Section 39068.2 is added to the Health and Safety Code, to read:

39068.2. (a) Any person who, after December 31, 1970, loads or permits the loading of gasoline into any stationary tank with a capacity of 250 gallons or more from any tank truck or trailer, except through a permanent submerged fill pipe, unless such tank is a pressure tank as described in Section 39068.3, or is equipped with a vapor recovery system as described in Section 39068.4 or with a floating roof as described in Section 39068.5, or unless such tank is equipped with other apparatus of equal efficiency which has been approved by the air pollution control officer in whose district the equipment is located, or, where no such district exists, by the State Air Resources Board, is guilty of a misdemeanor.

(b) Any person who installs any gasoline tank with a capacity of 250 gallons or more which does not meet the requirements of subdivision (a) is guilty of a misdemeanor.

(c) Subdivisions (a) and (b) shall not apply to any stationary tanks installed prior to December 31, 1970.

(d) For the purpose of this section, "gasoline" means any petroleum distillate having a Reid vapor pressure of four pounds or greater.

(e) For the purpose of this section, "submerged fill pipe" means any fill pipe which has its discharge opening entirely submerged when the liquid level is six inches above the bottom of the tank. "Submerged fill pipe," when applied to a tank which is loaded from the side, means any fill pipe which has its discharge opening entirely submerged when the liquid level is 18 inches above the bottom of the tank.

(f) Subdivisions (a) and (b) shall not apply to any stationary tank which is used primarily for the fueling of implements of husbandry, as such vehicles are defined in Division 16 (commencing with Section 36000) of the Vehicle Code.

SEC. 5. Section 39068.3 is added to the Health and Safety Code, to read:

39068.3. A "pressure tank" is a tank which maintains working pressure sufficient at all times to prevent hydrocarbon vapor or gas loss to the atmosphere.

SEC. 6. Section 39068.4 is added to the Health and Safety Code, to read:

39068.4. A "vapor recovery system" consists of a vapor gathering system capable of collecting the hydrocarbon vapors and gases discharged and a vapor disposal system capable of processing such hydrocarbon vapors and gases so as to prevent their emission to the atmosphere, with all tank gauging and sampling devices gastight except when gauging or sampling is taking place.

SEC. 7. Section 39068.5 is added to the Health and Safety Code, to read:

39068.5. A "floating roof" consists of a pontoon-type or double-deck-type roof, resting on the surface of the liquid contents and equipped with a closure seal, or seals, to close the space between the roof edge and tank wall. The control equipment provided for in this section shall not be used if the gasoline or petroleum distillate has a vapor pressure of 11.0 pounds per square inch absolute or greater under actual storage conditions. All tank gauging and sampling devices shall be gastight except when gauging or sampling is taking place.

SEC. 8. Section 39113 is added to the Health and Safety Code, to read:

39113. The board may approve the fuel system of any motor vehicle powered by propane, butane, or natural gas which meets the standards specified by Section 39110.

SEC. 12. Section 21655.5 is added to the Vehicle Code, to read:

21655.5. The Department of Public Works may, by regulation, or in cooperation with any other public agency, authorize or permit exclusive or preferential use of freeway lanes for high-occupancy vehicles.

Such exclusive or preferential use of freeway lanes shall be based upon competent traffic engineering and surveys and es-

timates developed or supported by the continuing comprehensive transportation planning processes of the urbanized area involved. Such lanes shall be subject to such geometric design standards, scheduling, reservations, restrictions, and conditions as the department deems necessary or desirable to increase the effectiveness of the highway system for the safe and efficient movement of people and goods, to assure adequate protection for the safety of operation of all motor vehicle traffic, and to protect the adequacy of the facilities to meet traffic needs.

To the extent they are available, the Department of Public Works may apply for and use federal-aid funds appropriated for the design, construction, and use of such exclusive or preferential freeway lanes.

It is the intent of the Legislature in enacting this section to stimulate and encourage the development of ways and means of relieving traffic congestion on the California freeways during those periods of the day when the freeways are most heavily traveled and, at the same time, to encourage individual citizens to pool their vehicular resources and thereby to lessen emission of air pollutants. The Department of Public Works shall keep the Legislature informed of any progress in achieving such intent by submitting annual progress reports on or before December 31 of each year beginning in 1971, and by submitting a final report on or before December 31, 1975, outlining the projects which it has undertaken, its findings, and its recommendations.

SEC. 13. Section 27157 is added to the Vehicle Code, to read:

27157. The State Air Resources Board, after consultation with, and pursuant to the recommendations of, the commissioner, shall adopt such reasonable regulations as it determines are necessary for the public health and safety regarding the maximum allowable emissions of pollutants from vehicles upon a highway. Such regulations shall apply only to vehicles required by Chapter 4 (commencing with Section 39080) of Part 1 of Division 26 of the Health and Safety Code or any federal law or regulation to be equipped with devices or systems to control emission of pollutants from the exhaust and shall not be stricter than the emission standards required of that model year motor vehicle when first manufactured.

SEC. 14. Section 27158 is added to the Vehicle Code, to read:

27158. After notice by a traffic officer that a vehicle does not comply with any regulation adopted pursuant to Section 27157, no person shall operate, and no owner shall permit the operation of, such vehicle for more than 30 days thereafter unless a certificate of compliance has been issued for such vehicle in accordance with the provisions of Section 12303. A certificate of compliance issued for such vehicle shall, for a period of one year from date of issue, constitute proof of compliance with any regulations adopted pursuant to Section 27157 provided that no required pollution control device has

been disconnected, modified, or altered or has been adjusted by other than a licensed installer in a licensed motor vehicle pollution control device installation and inspection station subsequent to the issuance of the certificate of compliance.

SEC. 15. It is the intent of the Legislature, if amendments to Section 6254 of the Government Code, proposed by both Section 1 of this bill and Assembly Bill No. 1981, are enacted, that both amendments be given effect and incorporated in Section 6254 in the form set forth in Section 1.5 of this act. Therefore, in the event Assembly Bill No. 1981 is enacted and amends Section 6254, Section 1.5 of this act shall become operative at the same time that Section 6254 as amended by Assembly Bill No. 1981 becomes operative, and at that time, Section 6254 of the Government Code as amended by Section 1 of this act is repealed.

CHAPTER 1296

An act to add Section 39051.2 to the Health and Safety Code, relating to air pollution, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 17, 1970. Filed with Secretary of State September 17, 1970.]

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

SECTION 1. Section 39051.2 is added to the Health and Safety Code, to read:

39051.2. The board shall establish by regulation maximum standards for the degree of unsaturation at a bromine number 30 as established by the American Society for Testing Materials test D 1159-66 or an appropriate test determined by the board for gasoline sold in the South Coast Air Basin designated by the board. The board, in adopting such regulations, shall give full consideration to climatic conditions and may provide that the maximum standards imposed thereby shall be applicable only during those periods of time which the board determines necessary in order to carry out the purposes of this part.

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:

Air pollution is a major form of environmental degradation in the South Coast Air Basin. Regulating the degree of unsaturation in gasoline will contribute to an improvement in the atmospheric quality of the basin. To obtain this benefit as rapidly as possible, it is necessary to provide the State Air Resources Board and the petroleum refining industry with adequate lead time to fulfill the requirements of this act.

CHAPTER 1297

An act to add Section 39051.1 to the Health and Safety Code, relating to air pollution, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 17, 1970. Filed with Secretary of State September 17, 1970.]

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

SECTION 1. Section 39051.1 is added to the Health and Safety Code, to read:

39051.1. The board shall establish by regulation maximum standards for the volatility of gasoline at nine pounds per square inch Reid vapor pressure as determined by the American Society for Testing Materials test D 323-58 or an appropriate test determined by the board for gasoline sold in this state. The board in adopting such regulations shall give full consideration to climatic conditions and may provide that the maximum standards imposed thereby shall be applicable only during those periods of time and only in those areas, which the board determines necessary in order to carry out the purposes of this part.

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:

New motor vehicles are equipped with evaporation control systems that permit them to meet California emission standards. These evaporation control systems are designed to meet the California emission standards when using a gasoline that does not have a Reid vapor pressure exceeding nine pounds per square inch. Gasoline currently sold in California during the smog season of May through November often exceeds nine pounds Reid vapor pressure per square inch. Consequently, the evaporation control systems are not operating at maximum efficiency. This results in smog-producing gasoline fumes escaping into the atmosphere. It is, therefore, necessary for this act to go into effect at the earliest possible opportunity in order to not prolong the time during which the atmosphere will be polluted by gasoline evaporating from motor vehicles.

CHAPTER 1298

An act to add Section 216 to the Streets and Highways Code, relating to freeways.

[Approved by Governor September 17, 1970. Filed with Secretary of State September 17, 1970.]

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

SECTION 1. Section 216 is added to the Streets and Highways Code, to read:

216. No freeway shall be constructed so that during its first two years of operation the noise level produced by the traffic thereon will measure in excess of 50 decibels on the "A" scale within any public elementary or secondary school classroom, library, or multipurpose room constructed prior to the adoption of the freeway route and being used for the purpose for which constructed. The noise level shall be measured at appropriate times during regular school hours and shall not include noise from sources that exceed the maximum permitted by law.

To conform with the above restriction, the department may undertake a noise abatement program in any such classroom, library, or multipurpose room to reduce the freeway traffic noise level therein to 50 or fewer decibels on the "A" scale by, but not limited to, installing acoustical materials, eliminating windows, installing air conditioning, or constructing sound baffle structures.

If it becomes necessary to convert such classrooms, libraries, or multipurpose rooms to other school-related purposes because the freeway traffic noise level therein exceeds 50 decibels on the "A" scale, the department shall pay the cost of such conversions.

If the noise level generated from sources within and without the classrooms, libraries, or multipurpose rooms exceeds 50 decibels on the "A" scale prior to construction of the freeway and the noise from the freeway also exceeds 50 decibels on the "A" scale, the department shall be required to undertake such a noise abatement program that will reduce the noise to its preconstruction level.

As used in this section, the "A" scale means the network labeled "A," as described in Section 3.3 of the American Standard Specifications for General-Purpose Sound Level Meters, approved January 9, 1961, and published by the United States of America Standards Institute.

CHAPTER 1299

An act to add Chapter 3 (commencing with Section 800) to Division 1 of the Public Resources Code, relating to powerplant siting, and making an appropriation therefor.

[Approved by Governor September 17, 1970 Filed with Secretary of State September 17, 1970]

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

SECTION 1. Chapter 3 (commencing with Section 800) is added to Division 1 of the Public Resources Code, to read:

CHAPTER 3. POWERPLANT SITING

800. It is the policy of the State of California that the location and operation of thermal electric powerplants shall enhance public benefits and protect against or minimize adverse effects on the public, the ecology of the land and its wildlife, and the ecology of state waters and their aquatic life, and that the public's opportunity to enjoy the material, physical and aesthetic benefits of its resources shall be preserved to the greatest extent feasible.

The Legislature declares that it is also the policy of the state to encourage the use of nuclear energy, geothermal resources, and such other energy sources as are currently under development, wherever feasible, recognizing that such use has the potential of providing direct economic benefit to the public, while helping to conserve limited fossil fuel resources and promoting air cleanliness.

The Legislature further declares that it is the policy of the state to encourage planning by the state's electric utilities toward the above-stated objectives and to assist the utilities in their evaluations of the effects on the environment of proposed thermal powerplant sites and to that end a State Powerplant Siting Committee has been established to effect such coordination with the utilities and to carry out specific responsibilities as may be defined in the Public Utilities Code and the Public Resources Code.

The Legislature finds that the state should conduct research relating to the conservation, enhancement and prudent use of its resources, including those associated with the siting of thermal powerplants.

The Legislature finds that the state should also stimulate, sponsor and conduct appropriate research and study on new methods of powerplant siting which offer potential for enhanced public benefits in location, operation, and protection of the environment with such investigations including underground and underocean sites, manmade islands, powerplant parks, the desirability of locations on or near tidal lagoons, and other concepts which may appear attractive in minimizing the impact on the environment of the large projected increase in California electric generating capacity.

801. In accordance with state policy, it shall be the responsibility of the Resources Agency to establish a program of research on improved methods of powerplant siting. Recognizing the very considerable experience, knowledge and effort of the state's electric utilities in this field, the Resources Agency shall coordinate its research programs with the electric utilities to insure minimum duplication and maximum interchange of information with the results of the state's research program being published and made available as public information.

In accord with recommendation No. 3 made in the Resources Agency's report to the Legislature on Siting Thermal Power-

plants in California, dated February 15, 1970, and concurred in by the Utilities Ad Hoc Committee, the Resources Agency is specifically authorized to undertake a study of the siting of underground powerplants.

SEC. 2. There is hereby appropriated the sum of two hundred thousand dollars ($200,000) from the California Environmental Protection Program Fund to the Resources Agency for the purposes of this act.

SEC. 3. Section 2 of this act shall become operative only if Senate Bill No. 262 is enacted by the Legislature at its 1970 Regular Session, and, in such case, at the same time as Senate Bill No. 262 takes effect.

CHAPTER 1300

An act to repeal Section 6 of Chapter 1397, Statutes of 1967, relating to motor vehicles.

[Approved by Governor September 17, 1970. Filed with Secretary of State September 17, 1970.]

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

SECTION 1. Section 6 of Chapter 1397 of the Statutes of 1967 is repealed.

CHAPTER 1301

An act to amend Sections 261, 264, and 290 of, and to add Section 261.5 to, the Penal Code, relating to crimes.

[Approved by Governor September 17, 1970. Filed with Secretary of State September 17, 1970.]

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

SECTION 1. Section 261 of the Penal Code is amended to read:

261. Rape is an act of sexual intercourse, accomplished with a female not the wife of the perpetrator, under either of the following circumstances:

1. Where she is incapable, through lunacy or other unsoundness of mind, whether temporary or permanent, of giving legal consent;

2. Where she resists, but her resistance is overcome by force or violence;

3. Where she is prevented from resisting by threats of great and immediate bodily harm, accompanied by apparent power of execution, or by any intoxicating narcotic, or anaesthetic, substance, administered by or with the privity of the accused;

4. Where she is at the time unconscious of the nature of the act, and this is known to the accused;

5. Where she submits under the belief that the person committing the act is her husband, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce such belief.

SEC. 2. Section 261.5 is added to the Penal Code, to read:

261.5. Unlawful sexual intercourse is an act of sexual intercourse accomplished with a female not the wife of the perpetrator, where the female is under the age of 18 years.

SEC. 3. Section 264 of the Penal Code is amended to read:

264. Rape, as defined in Section 261,, is punishable by imprisonment in the state prison for not less than three years. Unlawful sexual intercourse, as defined in Section 261.5, is punishable either by imprisonment in the county jail for not more than one year or in the state prison for not more than 50 years, and in such case the jury shall recommend by their verdict whether the punishment shall be by imprisonment in the county jail or in the state prison; provided, that when the defendant pleads guilty to an offense under Section 261.5 the punishment shall be in the discretion of the trial court, either by imprisonment in the county jail for not more than one year or in the state prison for not more than 50 years.

The preceding provisions of this section notwithstanding, in any case in which the defendant committed rape as defined in Section 261, and in the course of commission of the rape, with the intent to inflict such injury, inflicted great bodily injury on the victim of the rape, such fact shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or if admitted by the defendant, defendant shall suffer confinement in the state prison from 15 years to life.

SEC. 4. Section 290 of the Penal Code is amended to read:

290. Any person who, since the first day of July, 1944, has been or is hereafter convicted in the State of California of the offense of assault with intent to commit rape or the infamous crime against nature, under Section 220, or of any offense defined in Sections 266, 267, 268, 285, 286, 288, 288a, subdivision 1 of Section 647a, subdivision 2 or 3 of Section 261, subdivision (a) or (d) of Section 647, or subdivision 1 or 2 of Section 314, or of any offense involving lewd and lascivious conduct under Section 272; or any person who since such date has been or is hereafter convicted of the attempt to commit any of the above-mentioned offenses; or any person who since such date or at any time hereafter is discharged or paroled from a penal institution where he was confined because of the commission or attempt to commit one of the above-mentioned offenses; or any person who since such date or at any time hereafter is determined to be a mentally disordered sex offender under the provisions of Article 1 (commencing with Section 6300) of Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions Code; or any person who has been since such date or is hereafter convicted in any other state of any offense which, if committed or attempted in this state, would have been

punishable as one or more of the above-mentioned offenses shall within 30 days after the effective date of this section or within 30 days of his coming into any county or city, or city and county in which he resides or is temporarily domiciled for such length of time register with the chief of police of the city in which he resides or the sheriff of the county if he resides in an unincorporated area.

Any person who, after the first day of August, 1950, is discharged or paroled from a jail, prison, school, road camp, or other institution where he was confined because of the commission or attempt to commit one of the above-mentioned offenses or is released from a state hospital to which he was committed as a mentally disordered sex offender under the provisions of Article 1 (commencing with Section 6300) of Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions Code shall, prior to such discharge, parole, or release, be informed of his duty to register under this section by the official in charge of the place of confinement or hospital and the official shall require the person to read and sign such form as may be required by the State Bureau of Criminal Identification and Investigation, stating that the duty of the person to register under this section has been explained to him. The official in charge of the place of confinement or hospital shall obtain the address where the person expects to reside upon his discharge, parole, or release and shall report such address to the State Bureau of Criminal Identification and Investigation. The official in charge of the place of confinement or hospital shall give one copy of the form to the person, and shall send two copies to the State Bureau of Criminal Identification and Investigation, which bureau, in turn, shall forward one copy to the appropriate law enforcement agency having local jurisdiction where the person expects to reside upon his discharge, parole, or release.

Any person who after the first day of August, 1950, is convicted in the State of California of the commission or attempt to commit any of the above-mentioned offenses and who is released on probation or discharged upon payment of a fine shall, prior to such release or discharge, be informed of his duty to register under this section by the court in which he has been convicted and the court shall require the person to read and sign such form as may be required by the State Bureau of Criminal Identification and Investigation, stating that the duty of the person to register under this section has been explained to him. The court shall obtain the address where the person expects to reside upon his release or discharge and shall report within three days such address to the State Bureau of Criminal Identification and Investigation. The court shall give one copy of the form to the person, and shall send two copies to the State Bureau of Criminal Identification and Investigation, which bureau, in turn, shall forward one copy to the appropriate law enforcement agency having local jurisdiction

where the person expects to reside upon his discharge, parole, or release.

Such registration shall consist of (a) a statement in writing signed by such person, giving such information as may be required by the State Bureau of Criminal Identification and Investigation, and (b) the fingerprints and photograph of such person. Within three days thereafter the registering law enforcement agency shall forward such statement, fingerprints and photograph to the State Bureau of Criminal Identification and Investigation.

If any person required to register hereunder changes his residence address he shall inform, in writing within 10 days, the law enforcement agency with whom he last registered of his new address. The law enforcement agency shall, within three days after receipt of such information, forward it to the State Bureau of Criminal Identification and Investigation. The State Bureau of Criminal Identification and Investigation shall forward appropriate registration data to the law enforcement agency having local jurisdiction of the new place of residence.

Any person required to register under the provisions of this section who shall violate any of the provisions thereof is guilty of a misdemeanor.

The statements, photographs and fingerprints herein required shall not be open to inspection by the public or by any person other than a regularly employed peace or other law enforcement officer.

CHAPTER 1302

An act to repeal Division 5 (commencing with Section 1100) of, and to add Division 5 (commencing with Section 1100) to, the Harbors and Navigation Code, relating to pilots for San Francisco, San Pablo, and Suisun Bays.

[Approved by Governor September 17, 1970. Filed with Secretary of State September 17, 1970.]

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

SECTION 1. Division 5 (commencing with Section 1100) of the Harbors and Navigation Code is repealed.

SEC. 2. Division 5 (commencing with Section 1100) is added to the Harbors and Navigation Code, to read:

DIVISION 5. PILOTS FOR SAN FRANCISCO, SAN PABLO, AND SUISUN BAYS

CHAPTER 1. GENERAL PROVISIONS

Article 1. Definitions

1100. The provisions of this division are applicable only to bar pilots for San Francisco, San Pablo, and Suisun Bays. As used in this division, "pilot" means a bar pilot.

1100.1. "Board" means the Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun.

1100.2. "Committee" means the Pilotage Rate Committee for San Francisco, San Pablo, and Suisun Bays.

Article 2. Qualifications

1101. A person may not be appointed or licensed as a pilot unless he:

(a) Is an American citizen.

(b) Is over the age of 21 years, and not over the age of 70 years. No other limitation of age shall be imposed.

(c) Has a practical knowledge of the management of motor ships, steam vessels and of the tides, soundings, bearings, and distances of the several shoals, bars, rocks, points of land, lighthouses, and fog signals of the ports and harbors for which he is appointed.

(d) Is of good moral character, temperate, and possesses the skill and ability necessary to discharge the duties of pilot.

1102. Pilots licensed by the board shall be carefully examined as to their qualifications, and, if found to be qualified and worthy, they shall receive licenses as pilots for a term of 12 months. Licenses shall be renewed annually unless the board has good cause to withhold renewal. Whenever the board deems they have cause, or intends for any reason to withhold renewal of a pilot's license, the secretary of the board shall serve notice, in writing, on the pilot, specifying the causes, at least 10 days before the expiration of his license. The pilot is thereupon entitled to a full hearing before the board. The proceedings shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code and the board shall have all the powers granted therein.

1103. Every pilot shall execute an official bond in the sum of five thousand dollars ($5,000), to be approved by the board. The bonds of pilots appointed by the board shall be filed with the board.

Article 3. Rights and Duties

1110. All vessels, their tackle, apparel, and furniture, and their master and owners and agents are jointly and severally liable for pilotage fees, which may be recovered in any court of competent jurisdiction.

1111. If any pilot, in endeavoring to assist or relieve any vessel in distress, suffers loss or damage to his vessels, sails, tackle, rigging or appurtenances, the master, owner, or consignee of the vessel shall pay for such loss or damage, which is to be ascertained by the board.

1112. Every pilot, on boarding a vessel, when required by its master, shall exhibit his commission or license as pilot. A refusal so to do subjects him to a forfeiture of his commission or license, and to a liability of fifty dollars ($50) on his bond

in a suit instituted for that purpose by the authority appointing him.

1113. A pilot carried to sea against his will, or unnecessarily detained on board a vessel when a pilot vessel is in attendance to receive him, is entitled to receive twenty-five dollars ($25) a day while necessarily absent or detained; but the total amount to which he is entitled in any one case shall not exceed one thousand dollars ($1,000). Recovery may be had by action against the master or owner of the vessel taking him away.

1114. When cruising offshore or standing out to sea, pilots shall go to the vessel nearest to shore, or in the most distress, or incur a penalty of one hundred dollars ($100). For refusing to go on board a vessel when required, a like penalty of one hundred dollars ($100) is incurred. Upon having a penalty recovered against him, for either cause, the pilot may be suspended or expelled, at the discretion of the board.

1115. For every violation of the duties and regulations provided in this article a pilot incurs a liability on his official bond, to the party aggrieved, to the amount of the damages sustained.

Article 4. Offenses

1130. Every person not its master or owner, and not holding a commission or license as a pilot, who pilots any vessel into or out of any harbor or port of the Bays of San Francisco, San Pablo, and Suisun, except to another port within such bays or their tributaries is guilty of a misdemeanor, and he shall pay to the pilot entitled to pilot the vessel the amount of pilotage or towage collected by him.

Chapter 2. Board of Pilot Commissioners

1150. There is in the state government a Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun, consisting of three members. Upon the expiration of the term of a member, or the occurrence of a vacancy in the board, the Governor, by and with the advice of the Senate, shall appoint a successor, or fill the vacancy.

1151. Each member of the board shall be a competent shipmaster or nautical man and a citizen of the United States. He shall be a resident of one of the following counties: San Francisco, Alameda, Contra Costa, Marin, San Mateo, Santa Clara, or Solano.

He shall hold his office during the pleasure of the power appointing him, not to exceeed four years from the date of his commission.

1152. The members of the board shall receive as compensation for their services such amount as may from time to time be determined by the board not exceeding three hundred dollars ($300) each per month nor in the aggregate for all members of the board during any one month more than the amount

of moneys received during that month pursuant to the provisions of Section 1167 of this code. They, and the officers and employees of the board shall be allowed their actual necessary expenses in the performance of their duties.

1153. The board shall organize itself by electing a president, and shall provide offices in the City of San Francisco, in which it shall meet once a month and it may adjourn its regular meetings from time to time.

1154. The board shall make bylaws and rules for the government of pilots appointed by it.

1155. The president of the board may administer oaths in regard to any matter properly before it and he may issue subpoenas for witnesses in like cases. A witness disobeying such subpoena served on him shall incur a penalty of one hundred dollars ($100), for which judgment may be recovered by the president in a civil action. The provisions of this section shall not apply to proceedings conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

1156. The board may appoint and fix the compensation of a secretary and such other employees as may be necessary. The secretary shall receive such compensation as may be fixed by the board at not to exceed seven hundred fifty dollars ($750) a month.

1157. The secretary shall keep a journal of all the board's proceedings and acts, and shall keep a register of all pilots appointed, their residence and date of license. He shall, under order of the board, issue and countersign licenses, which shall be signed by the president of the board.

1158. The members and the secretary of the board shall not have any interest in any pilot vessel or steam tug, nor in the earnings thereof, other than for compensation as provided in this chapter. Anyone violating this section forfeits his office.

1159. All moneys received by the board pursuant to the provisions of any law, shall be accounted for at the close of each month to the State Controller in such form as the Controller may prescribe and, at the same time on the order of the Controller, all these moneys shall be paid into the State Treasury to the credit of the Board of Pilot Commissioners' Special Fund, which fund is continued in existence.

The moneys deposited in the State Treasury to the credit of the Board of Pilot Commissioners' Special Fund are appropriated without regard to fiscal years for the payment of the compensation and expenses of the board and its officers and employees.

1160. (a) The board shall renew the licenses of, or examine and license, not less than 24 nor more than 30 pilots, except that persons licensed as temporary pilots on January 1, 1949, and thereafter continuously licensed as such shall hereafter be licensed as permanent pilots, subject to the same tenure, duties and rights thereunder as other pilots. No further pilots' licenses, other than renewals, shall hereafter be issued when

such issue would cause more than 30 such licenses to be in force.

(b) Pilots have exclusive authority to pilot vessels from the high seas to the Bays of San Francisco, San Pablo and Suisun and the ports thereof, and from those bays and ports to the high seas. They also may pilot vessels between and within the ports of those bays, but such interior pilotage is not compulsory, nor is such interior pilotage prohibited to persons not licensed by the board.

(c) For the purpose of this section, "high seas" includes the Pacific Ocean and all the navigable waters of the Golden Gate, westerly of a straight line drawn between Anita Rock and Yellow Bluff.

1162. Pilots shall at all times keep, for their exclusive use, vessels of such description and good condition as the board may direct.

1163. Every pilot in charge of a vessel arriving in the bays or ports of San Francisco, San Pablo, or Suisun, shall safely moor the vessel in place and position as directed by the master of the vessel, consistent with safe navigation and not contrary to law.

1164. Every pilot in charge of a vessel leaving any of these bays or ports shall pilot it from its point of departure to a point beyond the San Francisco Bar.

1165. A pilot shall prevent all persons, except officers of the state or federal governments, owners or consignees of the vessel or cargo, or persons admitted on the express order of the master, from boarding the vessel until it has been safely moored.

1166. To enforce the provisions of Section 1165 and other police regulations for the harbor, every pilot in charge of a vessel entering the Bay of San Francisco from the high seas may arrest anyone who, in opposition to the master's orders, persists in boarding the vessel, or who having boarded it refuses to leave on the command of the master or pilot. Whenever a person is so arrested he shall be immediately brought before the court, or admitted to bail, as provided in the Penal Code.

1167. Every pilot licensed pursuant to the terms of this chapter shall take an oath of office in the manner prescribed by law and shall, once in each month, upon blanks to be furnished by the board, render a verified account to the board of all moneys received by him, or by any other person for him, or on his account, and he shall pay to the board 5 percent of all bar pilotage fees, or such lesser percentage as is established by the board with the approval of the Director of General Services, in full compensation of the board for its official services, for the services of its secretary and treasurer, and all its incidental expenses.

1168. The account shall show:

(a) The name of each vessel piloted.

(b) The name of its master.

(c) The name of each vessel for which pilotage has been charged, or collected.

(d) The amount charged to or collected from each.

(e) Any rebates made and allowed and for what amounts.

(f) Where the vessel is registered.

(g) The depth of its draft and its tonnage.

(h) Whether it was inward or outward bound.

(i) Whether the amount so received, collected, or charged is for full pilotage or half pilotage.

The secretary of the board shall record the accounts in full detail in a book prepared for that purpose, which book shall at all times be open to public inspection.

1169. A vessel is spoken by day by a pilot boat displaying a Union Jack or by night by a pilot boat displaying a torch or flare within a distance of three miles of the vessel. In all cases where inward-bound vessels are not spoken until inside of the bar, the full rates of pilotage shall be reduced 50 percent. Vessels engaged in the whaling or fishing trades are exempt from all pilotage unless a pilot is actually employed.

1170. Every vessel spoken inward or outward bound, shall pay the following rate of bar pilotage through the Golden Gate and into or out of the Bays of San Francisco, San Pablo, and Suisun:

Seven dollars and fifty cents ($7.50) per draft foot of the vessel's deepest draft and fractions of a foot pro rata, and an additional charge of four mils ($0.004) per high gross registered ton. A minimum charge for such bar pilotage shall be one hundred eighty-five dollars ($185) for each vessel piloted. The vessel's deepest draft shall be the maximum draft attained, on a stillwater basis, at any part of the vessel during the course of such transit inward or outward.

1171. Pilotage between and within ports of the Bays of San Francisco, San Pablo, and Suisun, shall be at such rates as are agreed upon by the parties.

1172. If a vessel, which is subject to the payment of bar pilotage, enters any port of the Bays of San Francisco, San Pablo, or Suisun solely by reason of being in distress or requiring care it shall pay one-half of the full pilotage rates.

1173. A vessel, which is subject to the payment of bar pilotage shall pay one-half the full pilotage rates if it enters any port of the Bays of San Francisco, San Pablo, or Suisun for:

(a) Anchoring.

(b) Reporting or receiving orders.

(c) Taking on water, fuel for bunkers, stores and other supplies, for use on the vessel and which are not intended for transfer to and use on any other vessel. But if such a vessel discharges or takes on any cargo or passengers, or if any water, fuel, stores, or other supplies taken on is transferred to and used on another vessel this reduction does not apply.

1174. Any vessel in tow of a tug or being assisted by a tug within the Bays of San Francisco, San Pablo, or Suisun,

or between or within their ports, is exempt from all charge for bay pilotage unless a pilot is actually employed.

1175. Every vessel sailing under an enrollment, and licensed and engaged in the coasting trade between any port of the Bays of San Francisco, San Pablo, and Suisun and any other port of the United States is exempt from all pilotage unless a pilot is actually employed. Every foreign vessel and every vessel bound to or from a foreign port and every vessel sailing under a register between any port of the Bays of San Francisco, San Pablo, and Suisun and any other port of the United States, except ports of these bays or the rivers tributary to them, is liable for pilotage.

1176. When two or more pilots offer their services to any vessel inward bound, the pilot first offering, or one connected with his boat, has preference, and if the services of another are accepted, the vessel, its appurtenances, and its master and owner are jointly and severally liable to the pilot entitled to preference for one-half the amount of pilotage he would have been entitled to had his services been accepted.

1177. Any pilot, or one connected with his boat, bringing a vessel into the harbor of San Francisco is entitled to take the vessel to sea again when it next departs if the pilot and those connected with his vessel have not in the meantime become in any manner disqualified or incapacitated. If the master disregards this preference, the vessel, master, and owner are liable to the pilot entitled to the preference for one-half the amount to which he would be entitled if his services had been accepted.

Chapter 3. Revocation of Licenses

1190. When, in the opinion of the board, there is reasonable cause to believe that the public interest requires that a pilot be summarily suspended pending hearing on charges of misconduct which include any of the causes for suspension or revocation specified in Section 1191, or when the board has information which leads it to believe that a pilot has become unable to comply with the standards of health or physical condition requisite to his duties, the board may, without hearing, temporarily suspend the license of such pilot for not exceeding 40 days pending hearing and decision on such charges. But unless an accusation on such charge is served on the pilot as provided in Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2, Government Code, prior to the close of the sixth day from and after the date such suspension by its terms becomes effective, such temporary suspension shall terminate at the close of said sixth day.

1191. The license of a pilot may be revoked or suspended before its expiration only for:

(a) Neglect, for 30 days after it becomes due, to render an account to the board of all moneys received by him for pilotage.

(b) Neglect, for 30 days after it becomes due, to pay over to the board the 5 percent of the pilotage money received by him.

(c) Rendering to the board a false account of pilotage received.

(d) Absenting himself from duty for more than one month at any one time without leave granted by the board, unless sickness or personal injury causes the absence.

(e) Refusing to exhibit his license when requested to do so by the master of any vessel he has boarded.

(f) Habitual or occasional intoxication, whether occurring while he is in charge of any vessel as pilot or in charge of a pilot vessel, or at any other time.

(g) Negligently, ignorantly, or willfully running any vessel on shore, or otherwise rendering it liable to injury. Any pilot deprived of his license under this subdivision is thereafter ineligible to receive a license as pilot.

(h) Willful violation of the rules and regulations adopted by the board for the government of pilots.

(i) Inability to comply with the standards of health or physical condition requisite to the duties of a bar pilot, but in such case the burden of proving such compliance with such standards shall be upon the licensee, unless prior to the hearing he takes and passes such physical tests or examinations as would be required under the rules of the board upon application for renewal of his license.

1192. If, upon a hearing the board adjudges that the pilot is guilty of any of the acts or causes sufficient for depriving him of a license, the board shall revoke his license. The order shall be entered of record in the minutes by the secretary. The proceedings shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

1193. A pilot, who has been notified that his license will not be renewed, is entitled to a trial and hearing, in the same manner that other charges and accusations against pilots are tried.

In all such cases and in all cases of revocation of license or suspension of a pilot for any cause, the final decision of the board is subject to judicial review in accordance with law, and upon such review the court shall exercise its independent judgment on the evidence.

CHAPTER 4. PILOTAGE RATE COMMITTEE

1200. There is in the state government the Pilotage Rate Committee for San Francisco, San Pablo, and Suisun Bays, consisting of five members appointed by the Governor.

1201. Members of the committee shall be appointed by the Governor for a term of four years, and each member shall hold office until the appointment and qualification of his successor

or until six months shall have elapsed since the expiration of the term for which he was appointed, whichever first occurs. The terms of the members of the committee in office on the operative date of this section shall expire as follows: one pilot and one industry member, June 30, 1971; one member, June 30, 1972; one member, June 30, 1973; and one member, June 30, 1974. A vacancy occurring during a term shall be filled by appointment for the unexpired term. No person shall serve as a member of the committee for more than two consecutive terms.

1202. Two members of the committee shall be pilots licensed under the provisions of this division and shall be termed pilot members.

Two members shall be termed industry members and shall be appointed from a list of not less than eight persons currently engaged as owners, officers, directors, employees, or representatives of firms, or associations of firms, which are substantial users of pilotage services in San Francisco, San Pablo, and Suisun Bays, which list shall be submitted to the Governor by such users upon formation of the committee. Upon the occurrence of any vacancy among industry members a list of not less than eight such persons engaged in such capacities shall be so submitted. One of such industry members shall be engaged in the dry cargo or passenger field of operation and the other in the tanker field of operation.

One member of the committee shall be termed a public member and shall not be a pilot licensed under the provisions of this division, or an officer, director, employee, or representative of the shipping industry, or have been substantially connected with any phase of the maritime industry, whether as a proprietor or as a supplier of services or goods to vessels.

The public member shall be appointed from a list of not less than three such persons nominated by the industry members and pilot members of the committee. If the industry members and pilot members of the committee have not agreed upon nominations required by this section within 60 days of the date a vacancy occurs for the appointment of a public member, the Governor may make such appointment without regard to any such nominations.

Each member of the committee shall be at least 35 years of age and a resident of one of the following counties: San Francisco, Alameda, Contra Costa, Marin, San Mateo, Santa Clara, or Solano.

1203. The pilot members and industry members of the committee shall serve without compensation or reimbursement of expenses. The public member of the committee shall be paid a per diem of fifty dollars ($50) for each day in which he is necessarily engaged in the duties of the committee and his necessary travel expenses.

1204. The secretary and employees of the Board of Pilot Commissioners for San Francisco, San Pablo, and Suisun Bays

shall perform such clerical, administrative, and other services as may be reasonably required by the committee.

1205. The expenses of the committee shall be paid from the Board of Pilot Commissioners Special Fund created under this division.

1206. The members of the committee may elect a chairman and a secretary from their membership.

1207. It shall be the function of the committee to make recommendations to the Legislature on the following matters:

(1) The rates for bar pilotage which should be established under the provisions of Section 1170.

(2) Changes, if any, which should be made in the provisions relating to pilotage rates or affecting rates which are contained in Sections 1171 to 1177, inclusive.

(3) Changes, if any, which may be proposed in the basis for determining any of the rates for bar pilotage referred to in subsections (1) and (2) of this section.

1208. Any party directly affected by pilotage rates established under this chapter may petition the committee for a public hearing on any of the matters set forth in Section 1207. Within 10 days from the filing of the petition the committee shall call public hearings to be held not less than 30 nor more than 60 days of the date of call for the purpose of obtaining information and data relating to the issues raised in the petition. The committee shall give notice of such hearings to all interested parties who have requested such notification. At the conclusion of such hearing or hearings, the committee shall review and evaluate all evidence obtained and, within 120 days from the filing of the petition, shall submit to the Secretary of the Senate and the Chief Clerk of the Assembly a copy of its findings and recommendations for final determination, supported by a transcript of the proceedings of the committee so held.

1209. Public hearings for the purpose of investigating pilotage rates shall be conducted in accordance with the provisions of Chapters 4 (commencing with Section 11370) and 5 (commencing with Section 11500) of Part 1, Division 3, Title 2 of the Government Code and a full record shall be kept of all evidence offered.

1210. In preparing its recommendations to the Legislature with relationship to pilotage rates, the committee may require an independent audit or audits by a public accountant selected by the committee, such audit or audits to cover bar pilotage operations for such years as may be determined by the committee, and the committee shall further give consideration to other relevant factors, including, but not limited to, the following:

(1) The costs to the pilots, individually or jointly, of providing pilot service as required.

(2) A net return to the pilot sufficient to attract and hold persons capable of performing this service with safety to the public and protection to the property of persons using the

service; and the relationship of that income to any changes in cost of living indices.

(3) Pilotage rates charged for comparable services rendered in other ports and harbors in the United States.

(4) Additional factors affecting income to pilots such as the volume of shipping traffic using pilotage, change in the size or structure of vessels affecting pilotage rates, numbers of pilots available to perform services, income paid for comparable services, and other factors of related nature.

SEC. 3. This act shall become operative on January 1, 1971.

CHAPTER 1303

An act to add Division 14.5 (commencing with Section 31750) to the Agricultural Code, relating to animals.

[Approved by Governor September 17, 1970 Filed with Secretary of State September 17, 1970.]

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

SECTION 1. Division 14.5 (commencing with Section 31750) is added to the Agricultural Code, to read:

DIVISION 14.5. REGULATION OF CATS

31750. No public pound, society for the prevention of cruelty to animals shelter, or humane shelter shall sell or give away any female cat of more than six months of age that has not been spayed, or any male cat of more than six months of age that has not been neutered.

31751. No public pound, society for the prevention of cruelty to animals shelter, or humane shelter shall sell or give away any cat less than six months of age unless the cost of spaying or neutering such cat has been deposited with the pound or shelter for payment to a veterinarian or spaying or altering clinic designated by the person purchasing or receiving the cat. The deposit shall be forwarded to the veterinarian or clinic upon receipt by the pound or shelter of a notice from the veterinarian or clinic that the cat has been spayed or neutered.

31752. Notwithstanding Section 9, a violation of any provision of this division shall not be punishable as a crime.

CHAPTER 1304

An act to amend Section 7344 of the Business and Professions Code, relating to electrology.

[Approved by Governor September 17, 1970 Filed with Secretary of State September 17, 1970.]

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

SECTION 1. Section 7344 of the Business and Professions Code is amended to read:

7344. For each licensed electrologist not more than four licensed junior electrologists may engage in the occupation of an electrologist when under the immediate supervision of such licensed electrologist. A junior electrologist may work upon a patron paying for services only after he has had 150 hours of instruction and training.

CHAPTER 1305

An act to amend Section 17847 of, to add Sections 9002.1, 17810, and 17848 to, and to add Article 5 (commencing with Section 17860) to Chapter 4 of Part 3 of Division 7 of, the Business and Professions Code, relating to educational psychologists.

[Approved by Governor September 17, 1970. Filed with Secretary of State September 17, 1970.]

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

SECTION 1. Section 9002.1 is added to the Business and Professions Code, to read:

9002.1. In addition to the number of members provided for in Section 9001, the Governor shall appoint two additional members, who shall be qualified to be licensed under Article 5 (commencing with Section 17860) of Chapter 4 of Part 3 of Division 7. The first such additional members shall be appointed on or before January 15, 1971, one for a term to expire on June 1, 1972, and one for a term to expire on June 1, 1973. Each successor shall be appointed for a term of four years and shall continue in office until the appointment and qualification of his successor or until one year has elapsed after the expiration of his term, whichever occurs first.

SEC. 2. Section 17810 is added to the Business and Professions Code, to read:

17810. This article applies to licenses to engage in the business of marriage, family, or child counseling, and does not apply to the licenses provided for in Article 5 (commencing with Section 17860) of this chapter, except that the board shall have all powers provided in this article not inconsistent with this chapter.

SEC. 3. Section 17847 of the Business and Professions Code is amended to read:

17847. The amount of the fees prescribed by the provisions of this chapter which relate to licensing of persons to engage in the business of marriage, family, or child counseling is that fixed by the following schedule:

(a) The application fee shall be twenty-four dollars ($24).
(b) The renewal fee shall be twenty-four dollars ($24).
(c) The delinquency fee shall be ten dollars ($10).

SEC. 4. Section 17848 is added to the Business and Professions Code, to read:

17848. The amount of the fees prescribed by the provisions of this chapter which relate to the licensing of educational psychologists is that fixed by the following schedule:

(a) The application fee and renewal fee shall be fixed by the board in an amount which does not exceed one hundred fifty dollars ($150) but is sufficient to support the functions of the board which relate to the licensing of educational psychologists.

(b) The delinquency fee shall be ten dollars ($10).

SEC. 5. Article 5 (commencing with Section 17860) is added to Chapter 4 of Part 3 of Division 7 of the Business and Professions Code, to read:

Article 5. Licensed Educational Psychologists

17860. Persons licensed under this article by the board may practice pursuant to this article.

17861. A licensed educational psychologist shall be authorized to perform any of the following professional functions pertaining to academic learning processes or the educational system or both:

(a) Educational evaluation, diagnosis, and test interpretation limited to assessment of academic ability, learning patterns, achievement, motivation, and personality factors directly related to academic learning problems.

(b) Counseling services for children or adults for amelioration of academic learning problems.

(c) Educational consultation, research, and direct educational services.

17862. A person who desires a license under this article shall meet all of the following qualifications:

(a) He shall possess at least a master's degree in psychology, educational psychology, school psychology, or counseling and guidance, or a degree deemed equivalent by the board under regulations duly adopted under this article. Such degree or training shall be obtained from educational institutions approved by the board according to the regulations duly adopted under this article.

(b) He shall be at least 21 years of age.

(c) He shall be of good moral character.

(d) He shall be a citizen of the United States or have declared his intention to become a citizen. A statement by the applicant under oath that he is a citizen, or that he intends to apply for citizenship when he becomes eligible to make application, shall be sufficient proof of compliance with this subdivision.

(e) He shall have successfully completed 60 semester hours of postgraduate work devoted to pupil personnel services or

have experience deemed equivalent by the board in regulations duly adopted under this chapter.

(f) He shall furnish proof of three years of full-time experience as a credentialed school psychologist in the public schools or experience which the board deems equivalent. If the applicant provides proof of having completed one year's internship working full time as a school psychologist intern in the public schools in an accredited internship program, one year's experience shall be credited toward this requirement.

(g) He shall furnish written statements from two sponsors having personal knowledge of his professional competence. These statements shall include a description of the applicant's functioning and evaluation of his professional competencies, and statements relating to the moral character of the applicant. The sponsor of this applicant shall be qualified to be a licensed educational psychologist under this article.

(h) He shall be examined by the board with respect to the professional functions authorized by this article.

(i) He shall have at least one year of supervised professional experience in an accredited school psychology program, or under the direction of a licensed psychologist, or such suitable alternative experience as determined by the board in regulations duly adopted under this chapter.

17863. The board may, in its discretion, provide for a continuing education program in connection with the professional functions and courses described in this article.

17864. The board shall issue an educational psychologist license to all applicants who meet the requirements of this article and who pay the board the fees required by this chapter.

17865. It is unlawful for any person to use any title or letters which imply that he is a licensed educational psychologist unless at the time of so doing he holds a valid, unexpired and unrevoked license issued under this article.

17866. The provisions of Sections 17840 and 17847 shall apply to this article.

17867. The board may refuse to issue a license, or may suspend or revoke the license of any licensee if he has been guilty of unprofessional conduct which has endangered or is likely to endanger the health, welfare, or safety of the public. Such unprofessional conduct shall include:

(a) Conviction of a felony, the record of conviction being conclusive evidence thereof.

(b) Securing a license by fraud or deceit practiced on the board.

(c) Using any narcotic as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any hypnotic drug or alcoholic beverage to an extent or in a manner dangerous to himself, or to any other person, or to the public and to an extent that such action impairs his ability to perform his work as a licensed educational psychologist with safety to the public.

(d) Improper advertising.

(e) Violating or conspiring to violate the terms of this article.

(f) Committing a dishonest or fraudulent act as a licensed educational psychologist resulting in substantial injury to another.

CHAPTER 1306

An act to amend Sections 18200.3, 18203.5, 18205.5, 18617.1, 18649, 18667, and 18818 of, to add Chapter 8 (commencing with Section 18950) to Division 7 of, to add Sections 18200.7, 18405, 18405.1, 18405.2, 18405.3, and 18655.1 to, and to repeal Sections 18405, 18664, and 18669 of, the Financial Code, relating to industrial loan companies.

[Approved by Governor September 17, 1970. Filed with Secretary of State September 17, 1970.]

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

SECTION 1. Section 18200.3 of the Financial Code is amended to read:

18200.3. The commissioner shall not approve the application unless he shall ascertain to his satisfaction:

(a) That the public convenience and advantage will be promoted by the establishment of the proposed industrial loan company.

(b) That the industrial loan company is being formed for no other purpose than the legitimate objectives contemplated by this division.

(c) That the proposed capital structure is adequate.

(d) That the financial responsibility, character, and general fitness of the proposed officers, directors, shareholders, and other investors (except thrift investment certificate holders), are such as to command the confidence of the community and to warrant belief that the business will be operated honestly and fairly within the purposes of this division, and that the proposed officers and directors have sufficient banking, industrial loan, finance company or other experience, ability and standing to afford reasonable promise of successful operation.

(e) That the applicant has complied with all the applicable provisions of this division.

SEC. 2. Section 18200.7 is added to the Financial Code, to read:

18200.7. An industrial loan company's certificate to engage in the industrial loan business is not transferable or assignable.

SEC. 3. Section 18203.5 of the Financial Code is amended to read:

18203.5. Notwithstanding the provisions of Section 18203, the capital stock of any corporation incorporated or commencing business under this chapter after September 18, 1959, but before the effective date of Chapter 8 (commencing with

Section 18950) of this division, shall not be less than three hundred thousand dollars ($300,000); the capital stock of any corporation incorporated or commencing business under this chapter on or after the effective date of Chapter 8 (commencing with Section 18950) of this division shall not be less than five hundred thousand dollars ($500,000).

This section does not apply to an industrial loan company incorporated and engaged in business under this chapter within this state on or before September 18, 1959, that desires to change, or changes, its place of business, if either:

(a) Such industrial loan company otherwise meets all of the requirements of this division with regard to such change of location, including the findings of the commissioner required by Section 18200.6.

(b) The commissioner finds either of the following:

(1) There has been no substantial change, directly or indirectly, during the one-year period immediately preceding such finding, in the ownership of such industrial loan company and no such change of ownership is then reasonably contemplated.

(2) Such actual or reasonably contemplated change of ownership is unrelated to the proposed change in its place of business.

SEC. 4. Section 18205.5 of the Financial Code is amended to read:

18205.5. Notwithstanding the provisions of Section 18205, before opening or commencing business in a branch office or at any other place of business than that designated in its application filed with the commissioner after September 18, 1959, but before the effective date of Chapter 8 (commencing with Section 18950) of this division, an industrial loan company shall have and shall thereafter maintain so long as the branch is operated, for each branch so opened, paid-up capital in addition to paid-up capital required by Section 18203.5 in the amount of twenty-five thousand dollars ($25,000). Before opening or commencing business in a branch office or at any other place of business than that designated in its application filed with the commissioner on or after the effective date of Chapter 8 (commencing with Section 18950) of this division, an industrial loan company shall have and shall thereafter maintain so long as the branch is operated, for each branch so opened, paid-up capital in addition to paid-up capital required by Section 18203.5 in the amount of twenty-five thousand dollars ($25,000).

SEC. 5. Section 18405 of the Financial Code is repealed.

SEC. 6. Section 18405 is added to the Financial Code, to read:

18405. An industrial loan company may make loans and purchase, sell, or discount the following obligations: bona fide trust receipts, secured or unsecured choses in action, chattel mortgages, conditional sales contracts, or security agreements.

(a) No industrial loan company shall make or acquire any loan or other obligation that provides for a scheduled repayment of principal over more than the maximum terms set forth below opposite the respective size of loan or obligation:

Principal amount of loan or obligation	Maximum term
Less than $1,500.00	24 months and 15 days
$1,500.00 but less than $2,500.00	36 months and 15 days
$2,500.00 but less than $4,000.00	48 months and 15 days
$4,000.00 but less than $6,000.00	60 months and 15 days
$6,000.00 but less than $10,000.00	84 months and 15 days

Notwithstanding any other provision of this division, a loan or obligation secured by real property shall not have a term or maturity exceeding the term or maturity permitted by Section 18406.1.

(b) Loans or obligations of more than 60 months and 15 days may be made or acquired provided all of the following conditions are met:

(1) The loan or obligation is secured.

(2) The property, or collateral securing the loan or obligation, is of a kind or class that has been declared eligible by regulation of the commissioner.

(3) The aggregate face balance of such loans and obligations outstanding at any time shall not exceed a percentage of the aggregate face balance due on all loans and obligations owing to the industrial loan company authorized by rule of the commissioner.

SEC. 7. Section 18405.1 is added to the Financial Code, to read:

18405.1. No industrial loan company shall make a consumer loan or acquire a consumer obligation unless such loan or obligation is repayable by equal or substantially equal periodic payments during its term. For purposes of this section, "consumer loan or consumer obligation" means a loan made to, or an obligation incurred by, a natural person in which the money loaned, or the property delivered, or service rendered under the obligation is primarily for personal, family, or household purposes.

SEC. 8. Section 18405.2 is added to the Financial Code, to read:

18405.2. An industrial loan company may make a consumer or other type of loan which is repayable at maturity by a single payment which includes principal and charges. In no event shall such loans have a term in excess of one year or be made for the purpose of evading or avoiding this division.

SEC. 9. Section 18405.3 is added to the Financial Code, to read:

18405.3. An industrial loan company may make a consumer loan in which the principal and charges are payable at any time during the loan, provided that the loan is secured at

least 100 percent by either investment certificates of an industrial loan company or traded securities.

SEC. 10. Section 18617.1 of the Financial Code is amended to read:

18617.1. An industrial loan company shall not use any advertising nor make any representations which indicate, infer or might lead a person to believe that the company is a bank or that investment certificates are insured unless such is the fact. Advertising pertaining to protection of accounts by Thrift Guaranty Corporation of California shall be in accordance with Section 18996.

SEC. 11. Section 18649 of the Financial Code is amended to read:

18649. The following sections of this division do not apply to any bona fide loan of a principal amount of ten thousand dollars ($10,000) or more or to an industrial loan company in connection with any such loan if the provisions of this section are not used for the purpose of evading this division. Sections 18650, 18652, 18653, 18655, 18655.1, 18656, 18657, 18658, 18667, 18670, 18671, 18672.

SEC. 12. Section 18655.1 is added to the Financial Code, to read:

18655.1. (a) As an alternative to the charges authorized by Section 18655, a company may contract for and receive charges at a rate not exceeding 1½ percent per month on the unpaid principal balance.

(b) This section shall be of no force or effect after December 31, 1972.

SEC. 13. Section 18664 of the Financial Code is repealed.

SEC. 14. Section 18667 of the Financial Code is amended to read:

18667. Whenever the interest or charges, or interest and charges deducted in advance exceed the maximum provided by this article, by reason of subsequent repayment of the loan, a new loan, refinancing, or otherwise, or any portion thereof prior to maturity or prepayment of installments on the investment certificate purchased with the loan, such excess shall be refunded to the borrower or credited on any balance owing by the borrower to the company. However, after the due date of the third monthly installment, or such due date as set by rule of the commissioner when charges are computed pursuant to Section 18655.1, the amount of any such refund credit may represent at least as great a proportion of the finance charge as the sum of the periodic balances after the month in which prepayment is made bears to the sum of all periodic balances under the schedule of installments in the loan agreement.

SEC. 15. Section 18669 of the Financial Code is repealed.

SEC. 16. Section 18818 of the Financial Code is amended to read:

18818. Whenever it appears to the commissioner that:

(a) The capital of any industrial loan company is impaired;

(b) Any industrial loan company has violated its articles of incorporation or any law of this state;

(c) Any industrial loan company is conducting its business in an unsafe or unauthorized manner;

(d) Any industrial loan company refuses to submit its books, papers, and affairs to the inspection of any examiner;

(e) Any officer of any industrial loan company refuses to be examined upon oath touching the concerns of such industrial loan company;

(f) Any industrial loan company has suspended payment of its obligations;

(g) Any industrial loan company is in such condition that it is unsound or unsafe for it to transact business;

(h) Any industrial loan company neglects or refuses to observe any order of the commissioner made pursuant to Section 18814 or 18815.1 of this code unless the enforcement of such order is restrained in a proceeding brought by the industrial loan company; or

(i) Any industrial loan company fails to participate as a member of Thrift Guaranty Corporation of California in accordance with Chapter 8 (commencing with Section 18950) of this division or fails to pay any assessment levied pursuant thereto within the time specified;

(j) Any industrial loan company has sold or issued investment certificates in violation of the provisions of this division.

(k) That any fact or condition exists which, if it had existed at the time of the original application for authority to organize and establish a corporation to engage in the industrial loan business reasonably would have warranted the commissioner in disapproving the application; the commissioner may forthwith take possession of the property and business of such industrial loan company and retain possession until such industrial loan company resumes business or its affairs be finally liquidated as herein provided. Such industrial loan company, with the consent of the commissioner, may resume business upon such conditions as he may prescribe.

SEC. 17. Chapter 8 (commencing with Section 18950) is added to Division 7 of the Financial Code, to read:

CHAPTER 8. GUARANTEE OF THRIFT ACCOUNTS

Article 1. Definitions

18950. "Guaranty Corporation" means Thrift Guaranty Corporation of California.

18951. (a) "Member" means an industrial loan company required by Section 18962 to be a member of Guaranty Corporation. "Member" includes "new member" except where the term "new member" is used in the same section or subsection.

(b) "New member" means a member which had no outstanding thrift obligations as of the last day of the calendar year preceding the year in which an assessment is made, and

which has not filed with the commissioner an undertaking not to issue thrift obligations.

18952. "Thrift obligations" as used in this chapter include principal invested in investment or thrift certificates however evidenced, and unpaid interest thereon accrued as of the last interest accrual date prior to the date the commissioner takes possession of the property and business of a member or the date such member is declared bankrupt, whichever occurs sooner.

Article 2. Purpose; Scope of Guarantee

18960. It shall be the purpose of Guaranty Corporation to guarantee full payment of thrift obligations of members up to ten thousand dollars ($10,000) for each account, subject to the express limitations provided in this chapter.

18961. Within 60 days after the effective date of this chapter, all industrial loan companies which have issued and outstanding investment or thrift obligations, shall establish a corporation under the General Nonprofit Corporation Law (Part 1 (commencing with Section 9000), Division 2, Title 1, Corporations Code) to operate under the name Thrift Guaranty Corporation of California.

18962. Each industrial loan company which has issued and which has outstanding thrift obligations shall, as a condition to its authority to conduct business under this division, participate as a member in Guaranty Corporation in accordance with this chapter and rules to be established by the board of directors of Guaranty Corporation.

18963. If the commissioner finds that for any reason Guaranty Corporation fails to adopt a suitable plan of organization and operation within six months following the effective date of this chapter, or, if at any time thereafter Guaranty Corporation fails to adopt suitable amendments to the plan of operation, the commissioner shall adopt and promulgate rules as necessary or advisable to effectuate the provisions of this chapter. Such rules shall continue in force until superseded by a plan of operations adopted by Guaranty Corporation and approved by the commissioner.

18964. The following described thrift obligations will be guaranteed by Guaranty Corporation in the amounts hereinafter set forth below:

(a) Single ownership accounts.

Funds owned by an individual and invested in the manner set forth below shall be added together and guaranteed up to ten thousand dollars ($10,000) in the aggregate.

(1) Individual accounts (or accounts of the husband-wife community of which the individual is a member) and invested in one or more accounts in his own name shall be guaranteed up to ten thousand dollars ($10,000) in the aggregate.

(2) Funds owned by a principal and invested in one or more accounts in the name or names of agents or nominees shall be added to any individual accounts of the principal and guaran-

teed up to ten thousand dollars ($10,000) in the aggregate.

(3) Accounts held by guardians, custodians or conservators for the benefit of his ward or for the benefit of a minor under a Uniform Gifts to Minors Act and invested in one or more accounts in the name of the guardian, custodian or conservator shall be added to any individual accounts of the ward or minor and guaranteed up to ten thousand dollars ($10,000) in the aggregate.

(b) Testamentary accounts.

(1) Funds owned by an individual and invested in a revocable trust account, tentative or "Totten" trust account, payable-on-death account or similar account evidencing an intention that on his death the funds shall belong to his spouse, child or grandchild, shall be guaranteed up to ten thousand dollars ($10,000) in the aggregate as to each such named beneficiary, separately from any other accounts of the owner.

(2) If the named beneficiary of such an account is other than the owner's spouse, child or grandchild, the funds in such account shall be added to any individual accounts of such owner and guaranteed up to ten thousand dollars ($10,000) in the aggregate.

(c) Accounts held by executors or administrators. Funds of a decedent held in the name of the decedent or in the name of the executor or administrator of his estate and invested in one or more accounts shall be guaranteed up to ten thousand dollars ($10,000) in the aggregate, separately from the individual accounts of the beneficiaries of the estate or of the executor or administrator.

(d) Corporation or partnership accounts. Accounts of a corporation or partnership engaged in any independent activity shall be guaranteed up to ten thousand dollars ($10,000) in the aggregate. An account of a corporation or partnership not engaged in an independent activity shall be deemed to be owned by the person or persons owning such corporation or comprising such partnership and, for guarantee purposes, the interest of each person in such account shall be added to any other accounts individually owned by such person and guaranteed up to ten thousand dollars ($10,000) in the aggregate. The term "independent activity" means any activity other than one directed solely at increasing guarantee coverage under this chapter.

(e) Unincorporated associations. Accounts of an unincorporated association engaged in any independent activity shall be guaranteed up to ten thousand dollars ($10,000) in the aggregate. An account of an unincorporated association not engaged in an independent activity shall be deemed to be owned by the persons comprising such association and, for guarantee purposes, the interest of each owner in such account shall be added to any other accounts individually owned by such person

and guaranteed up to ten thousand dollars ($10,000) in the aggregate.

(f) Joint accounts:

(1) Accounts owned jointly, whether as joint tenants with right of survivorship, as tenants by the entireties, as tenants in common, or by husband and wife as community property, shall be guaranteed separately from accounts individually owned by the coowners.

(2) A joint account shall be deemed to exist, for purposes of guarantee of accounts, only if each coowner has personally executed on account signature card and possesses redemption rights.

(3) An account owned jointly which does not qualify as a joint account for purposes of guarantee of accounts shall be treated as owned by the named persons as individuals and the actual ownership interest of each such person in such account shall be added to any other accounts individually owned by such person and guaranteed up to ten thousand dollars ($10,000) in the aggregate.

(4) All joint accounts owned by the same combination of individuals shall first be added together and guaranteed up to ten thousand dollars ($10,000) in the aggregate.

(5) The interest of each coowner in all joint accounts owned by different combinations of individuals shall then be added together and guaranteed up to ten thousand dollars ($10,000) in the aggregate.

(g) Trust accounts. All trust interests for the same beneficiary invested in accounts established pursuant to valid trust arrangements created by the same settlor (grantor) shall be added together and guaranteed up to ten thousand dollars ($10,000) in the aggregate, separately from other accounts of the trustee of such trust funds or the settlor or beneficiary of such trust arrangements.

18965. The guarantees provided in this chapter shall not apply to the thrift obligations of any industrial loan company, the capital of which is impaired on the effective date of this chapter unless the capital impairment is eliminated subsequent to such effective date.

Article 3. Assessments

18970. Guaranty Corporation shall establish and maintain a guarantee fund as follows:

(a) Unless and until the total amount in the fund on March 15 of any year equals or exceeds one million dollars ($1,000,000) in excess of any then unpaid demand made by the commissioner pursuant to Section 18981, on or before the first day of May of each year, Guaranty Corporation shall levy an assessment equal to fifteen hundredths of one percent (.15 of 1% or such lesser percentage as will cause the fund to equal one million dollars ($1,000,000)) of each

member's outstanding thrift obligations as shown on the most recent independent audit report required by Section 18610. Each new member shall be assessed seven thousand five hundred dollars ($7,500).

(b) Whenever the total amount in the fund on March 15 of any year exceeds one million dollars ($1,000,000) in excess of any then unpaid demand made by the commissioner pursuant to Section 18981, Guaranty Corporation shall refund to its members in proportion to their respective contributions as reflected in the most recent yearend independent audit reports an aggregate amount necessary to decrease the total amount in the fund to one million dollars ($1,000,000).

(c) Notwithstanding the provisions of subdivision (a) and (b) hereof, Guaranty Corporation may withhold any refund to members during any period when a member is in the process of liquidation by the commissioner, and it may further assess members during any calendar year in which the fund has been reduced by a demand of the commissioner provided the aggregate assessments during the year do not exceed the amount provided in subdivision (a).

18971. Guaranty Corporation shall send a written notice of assessment to each member assessed within 10 days after the levy of any assessment. Amounts assessed shall be paid to Guaranty Corporation by each member assessed not later than 90 days following written notice of assessment.

18972. A report of each levy of assessment shall be made to the commissioner within 10 days after the levy.

18973. In the event any member fails to pay an assessment when due, Guaranty Corporation shall report such default in writing to the commissioner within 24 hours of such default, and shall within 30 days after default bring an action in law or in equity to enforce payment. If Guaranty Corporation does not bring such action within the time specified, the commissioner may bring an action in law or in equity to enforce such payment.

Article 4. General Provisions

18980. When the property and business of a member has been liquidated or is in the process of liquidation by the commissioner and the proceeds of liquidation distributed ratably are insufficient to pay up to ten thousand dollars ($10,000) of each thrift obligation specified in Section 18964, the commissioner shall direct Guaranty Corporation to pay and Guaranty Corporation shall pay each such deficiency at the direction of and in amounts as directed by the commissioner within 120 days from the date the commissioner makes demand for payment. If the total funds available from Guaranty Corporation at such time are insufficient to pay in full the amounts provided by Section 18964, the amount paid to each thrift holder shall be ratably reduced in proportion to the amount by which the fund is deficient, and thereafter further payments shall

be made ratably to such thrift holders in accordance with the directions of the commissioner as additional funds are paid into the guarantee fund from assessments or otherwise. When such thrift obligations are paid, each member's account shall be reduced ratably based on the account balance for the total amount paid.

18981. The commissioner shall not direct Guaranty Corporation in any one calendar year to pay any thrift obligations that exceed in the aggregate the total in the fund after allowance for all amounts to be added to such accounts during said year by assessment as provided in this chapter.

18982. Whenever it appears to the commissioner that Guaranty Corporation has:

(a) Violated its articles of incorporation or any law of this state;

(b) Not paid amounts as directed by the commissioner pursuant to Section 18980;

(c) Invested its funds in violation of Section 18986;

(d) Not levied assessments as required by Sections 18970 and 18971;

(e) Has not brought and diligently prosecuted an action to enforce payment as required by Section 18973.

(f) Violated any section of this chapter;

(g) Neglected or refused to submit its books, papers, and affairs to the inspection of any examiner;

the commissioner may forthwith take possession of the property and business of Guaranty Corporation and retain possession until Guaranty Corporation satisfies the commissioner that it will operate in conformity with this chapter. During the time the commissioner has such possession he shall perform the duties and carry out the obligations of Guaranty Corporation.

18983. Whenever the commissioner has taken possession of the property and business of Guaranty Corporation, Guaranty Corporation within 10 days after such taking, if it deems itself aggrieved thereby, may apply to the superior court in the county in which the head office of Guaranty Corporation is located to enjoin further proceedings. The court, after citing the commissioner to show cause why further proceedings should not be enjoined, and after a hearing and a determination of the facts upon the merits, may dismiss such application or enjoin the commissioner from further proceedings and direct him to surrender the property and business to Guaranty Corporation, or make such further order as may be just.

18984. An appeal may be taken from the judgment of the court by the commissioner or by Guaranty Corporation in the manner provided by law for appeals from the judgment of a superior court. An appeal from the judgment of the court does not operate as a stay of the judgment unless the court, on good cause, so orders. No bond need be given if the appeal be taken by the commissioner but if the appeal be taken by Guaranty Corporation a bond shall be given as required by

Section 943 of the Code of Civil Procedure as condition to any stay.

18985. Guaranty Corporation shall have authority to submit reports and make recommendations to the commissioner regarding the financial condition of any member. 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, Guaranty Corporation or its members, directors, officers, employees or agents, or the commissioner or his authorized representatives, for any statements made by them in any reports or recommendations made hereunder.

18986. Guaranty Corporation may invest its funds only as provided by rules of the commissioner adopted with a view to preserving reasonable liquidity.

18987. Income from investments shall be recorded in an income account and be used to defray expenses of administration. Income from investments that exceeds an amount determined by the board of directors to be adequate to provide for current expenses may be credited to members' accounts. Each member's account shall receive credit ratably based on the account balance, for the amount of the excess. Income received by Guaranty Corporation, whether or not credited to members' accounts, shall be subject to a demand of the commissioner made pursuant to Section 18980 except as to that portion reserved by the board of directors for expenses of administration during the calendar year.

18988. Expenses of administration that exceed income from investments at yearend shall be charged to members' accounts. Each member's account shall be charged ratably based on the account balance for the amount of the excess.

18989. Guaranty Corporation shall have authority to borrow funds when necessary to effectuate the provisions of this chapter.

18990. The commissioner shall give prompt notice to Guaranty Corporation when the commissioner takes possession of the property and business of a member and shall give further prompt notice when the commissioner determines to liquidate the property and business of a member.

18991. Memberships issued by Guaranty Corporation shall be nontransferable and shall be exempt from the provisions of the Corporate Securities Law of 1968.

18992. The operation of Guaranty Corporation shall at all times be subject to the regulation of the commissioner and his duly designated representatives. The commissioner and his duly designated representative may at any time investigate the affairs and examine the books, accounts, records and files used by Guaranty Corporation. The commissioner and his duly designated representatives shall have free access to the offices books, accounts, papers, records, files, safes, and vaults of Guaranty Corporation.

18993. Any member aggrieved by any action or decision of Guaranty Corporation may appeal to the commissioner within 30 days from the action or decision.

18994. Guaranty Corporation shall not advertise, print, display, publish, distribute, or broadcast, or cause or permit to be advertised, printed, displayed, published, distributed, or broadcast, in any manner any statement or representation with regard to its plan of operation without first obtaining the written nondisapproval of the commissioner.

18995. No person shall advertise, print, display, publish, distribute or broadcast, or cause or permit to be advertised, printed, displayed, published, distributed, or broadcast, in any manner any statement or representation with regard to its membership in Thrift Guaranty Corporation of California or that any of its thrift obligations are in any manner guaranteed without first obtaining the written approval of the commissioner. All such advertising shall include the following statement: "Accounts protected up to a maximum of $10,000 by Thrift Guaranty Corporation of California only as provided in the California Financial Code."

18996. In order to permit Guaranty Corporation to fulfill its obligations under this chapter, the commissioner shall furnish to Guaranty Corporation a list of all industrial loan companies which have outstanding thrift and one copy of the independent audit report on each such industrial loan company filed with him as of the preceding December 31 no later than April 1 of each year.

CHAPTER 1307

An act to add Article 6.5 (commencing with Section 31801) to Chapter 5 of Division 22 of the Education Code, relating to meals and lodging for school athletic teams.

[Approved by Governor September 17, 1970 Filed with Secretary of State September 17, 1970]

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

SECTION 1. Article 6.5 (commencing with Section 31801) is added to Chapter 5 of Division 22 of the Education Code, to read:

Article 6.5. Meals and Lodging for Junior College Athletic Teams

31801. The governing board of a district maintaining a junior college may provide meals and lodging for each member of an athletic team comprised of students at the junior college attending upon and participating in an athletic event at a place other than the school which the members of the athletic team attend, where the event is of such a distance from the

school as to necessitate obtaining meals or lodging away from home. The governing board may pay for such meals and lodging out of any funds of the district available for the purpose.

CHAPTER 1308

An act to add Section 11610.5 to the Business and Professions Code, relating to subdivisions.

[Approved by Governor September 17, 1970. Filed with Secretary of State September 17, 1970.]

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

SECTION 1. Section 11610.5 is added to the Business and Professions Code, to read:

11610.5. (a) No city or county shall approve either the tentative or the final map of any subdivision fronting upon the coastline or shoreline which subdivision does not provide or have available reasonable public access by fee or easement from public highways to land below the ordinary high-water mark on any ocean coastline or bay shoreline within or at a reasonable distance from the subdivision.

Any public access route or routes provided by the subdivider shall be expressly designated on the tentative or final subdivision map, and such map shall expressly designate the governmental entity to which such route or routes are dedicated and its acceptance of such dedication. The acceptance by such governmental entity of such dedication must occur within one year of the approval of the final subdivision map, after which time, unless accepted, such dedication shall be deemed abandoned.

(b) Reasonable public access, as used in subdivision (a), shall be determined by the city or county in which the subdivision lies.

(c) In making the determination of what shall be reasonable public access, the city or county shall consider:

(1) That access may be by highway, foot trail, bike trail, horse trail, or any other means of travel.

(2) The size of the subdivision.

(3) The type of coastline or shoreline and the various appropriate recreational, educational, and scientific uses, including, but not limited to, diving, sunbathing, surfing, walking, swimming, fishing, beachcombing, taking of shellfish and scientific exploration.

(4) The likelihood of trespass on private property and reasonable means of avoiding such trespasses.

(d) Nothing in this section shall require a city or county to disapprove either a tentative or final subdivision map solely on the basis that the reasonable public access otherwise required by this section is not provided through or across the subdivision itself, if the city or county makes a finding that

such reasonable public access is otherwise available within a reasonable distance from the subdivision.

Any such finding shall be set forth on the face of the tentative or final subdivision map.

(e) The provisions of this section shall not apply to the final map of any subdivision the tentative map of which has been approved by a city or county prior to the effective date of this section.

(f) The provisions of this section shall not apply to the final or tentative map of any subdivision which is in compliance with the plan of any planned development or any planned community which has been approved by a city or county prior to December 31, 1968. The exclusion provided by this subdivision shall be in addition to the exclusion provided by subdivision (e).

(g) Nothing in this section shall be construed as requiring the subdivider to improve any access route or routes which are primarily for the benefit of nonresidents of the subdivision area.

(h) Any access route or routes provided by the subdivider pursuant to this section may be conveyed or transferred to any state or local agency by the governmental entity to which such route or routes have been dedicated, at any future time, by mutual consent of such governmental entity and the particular state or local agency. Such conveyance or transfer shall be recorded by the recipient state or local agency in the office of the county recorder of the county in which such route or routes are located.

SEC. 2. The Legislature declares that the enactment of this act is to implement the mandate of Section 2 of Article XV of the California Constitution relating to access to the navigable waters of this state. It is not the intent of the Legislature thereby to take private property for public use without just compensation in violation of the United States Constitution.

CHAPTER 1309

An act to amend Sections 2364 and 25484 of the Education Code, relating to school district territory transfer.

[Approved by Governor September 17, 1970. Filed with Secretary of State September 17, 1970.]

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

SECTION 1. Section 2364 of the Education Code is amended to read:

2364. The county superintendent of schools shall within 20 days after the filing of the petition, examine it and, if he finds it to be sufficient and signed as required by law, transmit the petition to the county committee on school district organization.

If the petition is filed under Section 2362, subdivision (a), or Section 2363, subdivision (b), accompanied by the statement agreeing to the transfer by the governing board of the district to which the territory is to be transferred. it shall be transmitted to the county committee on school district organization.

If the district is subject to provisions of Section 2309, 2310, 25433.5 or 25434, the petition shall be accompanied by the written consent of the district from which the territory is proposed to be transferred.

Notwithstanding any provision of this article to the contrary, if the transfer involves a minor change in district boundaries, defined as a transfer of territory involving less than 5 percent of the territory of the district from which the transfer is being made, the petition may be transmitted directly to the county board of supervisors by the county superintendent of schools, without submission to the county committee on school district organization, provided that this submission may not occur more than once every five years.

SEC. 2. Section 25484 of the Education Code is amended to read:

25484. Whenever the boundary of any high school or unified district included in a community college district is changed by annexation, withdrawal, transfer of territory, operation of law or in any other manner, such change shall not effect a corresponding change in community college district boundaries, unless such change is provided for in the petition, the terms of agreement for annexation or transfer of territory or is recommended by the county committee on school district organization and unless the change is also approved by the governing boards of the community college districts affected.

CHAPTER 1310

An act to amend Sections 17800, 17801, 17804, 17805, 17806, and 17808 of, and to add Sections 17800.1, 17800.2, and 17824 to, the Business and Professions Code, relating to marriage, family and child counseling.

[Approved by Governor September 17, 1970. Filed with Secretary of State September 17, 1970.]

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

SECTION 1. Section 17800 of the Business and Professions Code is amended to read:

17800. After the effective date of the amendments to this section adopted at the 1970 Regular Session of the Legislature, no person may for remuneration engage in the practice of marriage, family, or child counseling as defined by Section 17800.2, unless he holds a valid license as a marriage, family, or child counselor, or unless he is specifically exempted from such requirement, nor may he advertise himself as performing the

services of a marriage, family, child, domestic, or marital consultant or adviser, nor in any way use these or any similar titles to imply that he performs these services without a license as provided by this chapter.

SEC. 2. Section 17800.1 is added to the Business and Professions Code, to read:

17800.1. Nothing in this chapter shall be construed to constrict, limit, or withdraw provisions of the Medical Practice Act, the Social Work Licensing Law, or the Psychology Licensing Act.

The provisions of this chapter shall not apply to any priest, rabbi, or minister of the gospel of any religious denomination when performing counseling services as part of his pastoral or professional duties, nor to any person who is admitted to practice law in the state, or who is licensed to practice medicine, when providing counseling services as part of his professional practice.

Except as provided in Section 17808, the provisions of this chapter shall not apply to an employee of a governmental agency, or of a school, college, or university, or of an institution both nonprofit and charitable, if his practice is performed solely under the supervision of the agency, school, or organization by which he is employed, and if he performs such functions as part of the position for which he is employed.

SEC. 3. Section 17800.2 is added to the Business and Professions Code, to read:

17800.2. For the purposes of this chapter, the practice of marriage, family and child counseling shall mean that service performed with individuals, couples, or groups wherein interpersonal relationships between spouses or members of a family are examined for the purpose of achieving more adequate, satisfying and productive marriage and family adjustments. Such practice includes premarriage counseling.

The application of marriage, family and child counseling principles and methods includes but is not limited to, the use of applied psychotherapeutic techniques, to enable individuals to mature and grow within marriage and the family, and the provision of explanations and interpretations of the psychosexual and psychosocial aspects of relationships within a marriage and family.

SEC. 4. Section 17801 of the Business and Professions Code is amended to read:

17801. A person engages in the practice of marriage, family and child counseling who performs or offers to perform or holds himself out as able to perform such a service for remuneration either in the form of fees or donations.

SEC. 5. Section 17804 of the Business and Professions Code is amended to read:

17804. To qualify for a license an applicant shall have all the following qualifications:

(a) At least a master's degree in marriage counseling, in social work, or in one of the behavioral sciences, including,

but not limited to, sociology or psychology, obtained from a college or university accredited by the Western College Association, the Northwest Association of Secondary and Higher Schools, or an essentially equivalent accrediting agency as determined by the board.

(b) At least two years' experience, of a character approved by the board, under the direction of a person who holds the degree specified in subdivision (a) or at least two years' experience of a type which in the discretion of the board is equivalent to that obtained under the direction of such a person.

(c) Must be at least 21 years of age.

SEC. 6. Section 17805 of the Business and Professions Code is amended to read:

17805. On and after the effective date of the amendments to this section adopted at the 1970 Regular Session of the Legislature, every applicant who applies for a license as marriage, family and child counselor shall be examined by the board. The examination may be written or oral or a combination of both. Such examination shall be given at least twice a year at the time and place and under such supervision as the board may determine. The board may examine for knowledge in whatever theoretical or applied fields in marriage, family and child counseling as it deems reasonably appropriate. It may examine the candidate with regard to his professional skills and his judgment in the utilization of appropriate techniques and methods.

The board shall retain all written examinations for at least one year following the date of the examination. The board shall keep an accurate transcript of all oral examinations and keep such a transcript as a part of its records for at least one year following the date of examination.

An applicant who has qualified pursuant to the provisions of this chapter shall be issued a license as a marriage, family, and child counselor in such form as the board may deem appropriate.

SEC. 7. Section 17806 of the Business and Professions Code is amended to read:

17806. The board may adopt such rules and regulations as may be necessary to enable it to carry into effect the provisions of this chapter. The adoption, amendment or repeal of such rules and regulations shall be made in accordance with Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code.

The board may, by rules or regulation, adopt, amend, or repeal rules of professional conduct appropriate to the establishment and maintenance of a high standard of integrity and dignity in the profession, provided such rules or regulations are not inconsistent with Section 17820. Every person who holds a license to practice marriage, family and child counseling shall be governed by such rules of professional conduct.

SEC. 8. Section 17808 of the Business and Professions Code is amended to read:

17808. All institutions which are both nonprofit and charitable and all educational institutions which meet the accrediting requirements contained in Section 17804, shall apply to the board biennially for waivers if they wish to employ nonlicensed personnel as marriage, family and child counselors. Institutions applying for such waivers shall demonstrate (a) adequate supervision of nonlicensed counseling personnel, (b) community need, or (c) a training need.

SEC. 9. Section 17824 is added to the Business and Professions Code, to read:

17824. The board may suspend the license of a licensee upon its determination that it has been demonstrated to its satisfaction that such licensee is incapable of performing the duties of a marriage, family, and child counselor because of mental illness.

The board may reinstate such a licensee at such time that it has been evidenced to its satisfaction that the licensee is competent to perform the duties of a marriage, family, and child counselor.

SEC. 10. Section 17805 of the Business and Professions Code is amended to read:

17805. On and after the effective date of the amendments to this section adopted at the 1970 Regular Session of the Legislature, every applicant who applies for a license as marriage, family and child counselor shall be examined by the board. The examination may be written or oral or a combination of both. Such examination shall be given at least twice a year at the time and place and under such supervision as the board may determine The board may examine for knowledge in whatever theoretical or applied fields in marriage, family and child counseling as it deems reasonably appropriate. It may examine the candidate with regard to his professional skills and his judgment in the utilization of appropriate techniques and methods.

The board shall retain all written examinations for at least one year following the date of the examination. The board shall keep an accurate transcript of all oral examinations and keep such a transcript as a part of its records for at least one year following the date of examination.

An applicant who has qualified pursuant to the provisions of this chapter shall be issued a license as a marriage, family, and child counselor in such form as the director may deem appropriate.

SEC. 11. In the event the Governor's Reorganization Plan No 2 of 1970 becomes effective, Section 10 of this act shall become operative, and Section 17805 of the Business and Professions Code as amended by Section 6 of this act shall not take effect.

CHAPTER 1311

An act to amend Section 187 of the Penal Code, relating to homicide.

[Approved by Governor September 17, 1970. Filed with Secretary of State September 17, 1970.]

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

SECTION 1. Section 187 of the Penal Code is amended to read:

187. (a) Murder is the unlawful killing of a human being, or a fetus, with malice aforethought.

(b) This section shall not apply to any person who commits an act which results in the death of a fetus if any of the following apply:

(1) The act complied with the Therapeutic Abortion Act, Chapter 11 (commencing with Section 25950) of Division 20 of the Health and Safety Code.

(2) The act was committed by a holder of a physician's and surgeon's certificate, as defined in the Business and Professions Code, in a case where, to a medical certainty, the result of childbirth would be death of the mother of the fetus or where her death from childbirth, although not medically certain, would be substantially certain or more likely than not.

(3) The act was solicited, aided, abetted, or consented to by the mother of the fetus.

(c) Subdivision (b) shall not be construed to prohibit the prosecution of any person under any other provision of law.

CHAPTER 1312

An act to amend Sections 3031, 3200, 3216, and 3240 of, and to add Article 4 (commencing with Section 3300) to Chapter 2 of Part 1 of Division 4 of, the Fish and Game Code, relating to migratory game birds.

[Approved by Governor September 17, 1970. Filed with Secretary of State September 17, 1970.]

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

SECTION 1. Section 3031 of the Fish and Game Code is amended to read:

3031. A hunting license, granting the privilege to take game birds and mammals, shall be issued:

(a) To any resident of this state, over the age of 16 years, upon the payment of four dollars ($4).

(b) To any resident of this state, under the age of 16 years, upon the payment of one dollar ($1).

(c) To any person not a resident of this state, upon the payment of twenty-five dollars ($25).

(d) To any person not a resident of this state, valid for one day and only for the taking of domesticated game birds and pheasants while on the premises of a licensed pheasant club, or for the taking of domesticated migratory game birds on areas licensed for shooting such birds, upon the payment of five dollars ($5).

(e) To any person not a resident of this state, valid only at an organizational field trial held under the provisions of Section 3510, upon the payment of five dollars ($5).

(f) To the wife of any veteran, as defined in Section 980 of the Military and Veterans Code, upon payment of the fee specified in subdivision (a), even though she be an alien.

SEC. 2. Section 3200 of the Fish and Game Code is amended to read:

3200. Any person engaged in raising or importing, or who keeps in captivity, in this state domesticated game birds or domesticated game mammals which normally exist in the wild in this state shall procure a domesticated game breeder's license if the birds or mammals are kept more than 30 days after acquisition No such license is, however, required of any of the following:

(a) Licensed pheasant clubs, except to the extent provided in Section 3283.

(b) Licensed domesticated migratory game bird shooting areas as defined in Article 4 (commencing with Section 3300) of Chapter 2 of Part 1 of Division 4.

(c) Keepers of hotels, restaurants, boardinghouses, or clubs serving the meat of such birds or mammals for actual consumption on the premises.

(d) Retail meat dealers selling such meat to customers for actual consumption.

(e) Public zoological gardens possessing such birds or mammals for exhibition purposes or for the purpose of disposing of such birds or mammals by sale, exchange or donation to other public zoological gardens.

SEC. 3. Section 3216 of the Fish and Game Code is amended to read·

3216. All domesticated game birds and mammals, excepting deer, sold under the provisions of this article, shall be killed otherwise than by shooting. This section does not apply to licensed pheasant clubs, licensed domesticated migratory game bird shooting areas, or to the training or practice of hunting dogs.

SEC 4. Section 3240 of the Fish and Game Code is amended to read·

3240. Every person in possession of property who imposes or collects a fee for the privilege of taking birds or mammals thereon is maintaining a commercial hunting club, and shall procure a "commercial hunting club license."

This article does not apply to any licensed pheasant club or to any licensed domesticated migratory game bird shooting area.

SEC. 5. Article 4 (commencing with Section 3300) is added to Chapter 2 of Part 1 of Division 4 of the Fish and Game Code, to read:

Article 4. Licensed Domesticated Migratory Game Bird Shooting Areas

3300. It is unlawful for any person to engage in the raising and releasing, or the releasing, of domesticated migratory game birds for shooting by persons who pay for such privilege, unless the person has a revocable nontransferrable license issued by the department. Such licenses may be issued annually by the department and shall be valid from July 1 through the following June 30. The license fee is twenty-five dollars ($25).

Any bird of a species included in the definition of migratory game birds, as defined in Section 3500, which has been held live in captivity is a "domesticated migratory game bird" for purposes of this section, except such a bird that has been released from captivity and any control before attaining six weeks of age.

3301. The application for a license shall show the size and location of the area to be licensed. If an application is approved and a license is issued, the licensee shall post the boundaries of the licensed area with signs, at intervals of not more than 500 feet, which shall indicate that the area is licensed for the shooting of domesticated migratory game birds. Such signs shall be of a size not less than 12 by 18 inches.

3302. The commission may prescribe additional regulations deemed necessary for the releasing and shooting of domesticated migratory game birds and shall set the season and areas where such birds may be taken. If the licensee violates any of the provisions of this article or any regulations made pursuant thereto, the commission may cancel or revoke the license provided notice has been given to the licensee and he has been given an opportunity to be heard by the commission.

3303. Where domesticated migratory game birds are reared or held for release by the licensee, the licensee shall provide proper and adequate care for the birds and shall raise and hold them only under sanitary conditions. Conditions for proper care and raising shall be prescribed by the commission The licensee shall provide for the inspection of birds and facilities upon the request of the department.

3304. The licensee shall raise or use a minimum of 500 birds during the annual license period.

3305. All domesticated migratory game birds at time of release for shooting shall be at least 14 weeks of age, capable of strong and sustained flight, fully feathered, and otherwise in condition to survive in the wild Birds that are altered in any manner which would, in the opinion of the department, render them incapable of normal sustained flight, or which are diseased, or show evidence of malnutrition or injury, shall not be released.

3306. Shooting shall be confined to blinds, except for shooting necessary to recover a downed and injured bird, and not more than three shooters shall occupy or use each blind. Such blinds shall be constructed to prevent the shooting of domestic migratory game birds over water and to insure maximum safety to occupants of adjoining blinds.

The blinds shall be so situated that the occupants of the blinds cannot see the release site.

The licensee shall not permit any shooting within 500 feet of a point where the birds are released, nor shall any birds be taken within such distance from the point of release.

3307. All birds killed or injured by shooters shall be retrieved without delay, and all injured birds shall be humanely dispatched. The licensee shall not permit injured birds to remain on a pond or feeding area, nor shall he knowingly permit such birds to be used in any subsequent release.

In order to prevent the loss of any dead or injured birds, the licensee shall provide the use of a retrieving dog, without cost, to all shooters, except that shooters may provide their own retrieving dogs. The licensee shall not permit the shooting of any birds unless a retrieving dog is immediately available for use by all shooters.

3308. Licensees shall pay the department an inspection fee not to exceed five cents ($0 05) for each domesticated migratory game bird raised or used on a licensed area to insure proper adherence to these regulations.

3309. No dead, domesticated migratory game bird shall be removed from the premises of a licensed area until there is securely attached to the carcass a seal, and such seal shall remain attached to the carcass until it is finally prepared for consumption. Each such seal shall be supplied by the department at a fee set by the commission not to exceed five cents ($0.05).

3310. It shall be unlawful for any person to shoot domesticated migratory game birds on a licensed area without having a valid hunting license as provided by Section 3031.

3311. The licensee shall comply with all applicable federal laws or regulations relating to the releasing and shooting of domesticated migratory game birds.

CHAPTER 1313

An act to add Section 255 2 to the Revenue and Taxation Code, relating to property tax exemptions, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 17 1970 Filed with Secretary of State September 17, 1970]

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

SECTION 1. Section 255.2 is added to the Revenue and Taxation Code, to read:

255.2. Notwithstanding Section 255 of the Revenue and Taxation Code, any veteran who is filing for the veteran's exemption on his principal place of residence for the first time or who was found eligible for that exemption on his principal place of residence in the immediately preceding year and whose claim is disallowed for the current year may, if otherwise qualified for the homeowner's exemption, file for the homeowner's exemption as provided herein.

The assessor shall notify those applicants he finds ineligible for the veteran's exemption of his finding and shall inform them that they have 15 days from the date of the notice to file for the homeowner's exemption. The failure of the assessor to provide the notice required by this section shall extend the filing period for those not notified to the next lien date.

For the 1970–1971 fiscal year only, any veteran who would have qualified under this section for an extension of filing time for the homeowner's exemption shall have 15 days after the operative date of this section to file for the homeowner's exemption for the current fiscal year.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that otherwise qualified veterans do not lose their right to file for the homeowner's exemption for the current year, it is necessary for this act to take effect immediately.

CHAPTER 1314

An act to add Part 5 (commencing with Section 19400) to Division 14 of the Streets and Highways Code, relating to street lighting.

[Approved by Governor September 17, 1970. Filed with Secretary of State September 17, 1970.]

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

SECTION 1. Part 5 (commencing with Section 19400) is added to Division 14 of the Streets and Highways Code, to read:

PART 5. STREET LIGHTING FINANCIAL ASSISTANCE

19400. From federal funds available for promoting public safety on the streets, the department may allocate to cities, cities and counties, and counties up to 50 percent of the

cost of constructing, repairing, or improving street lighting facilities or up to 50 percent of the cost of contracting for street lighting services.

19401. In allocating funds for such purposes, the department shall give priority to those cities, cities and counties, and counties which submit in their requests for such funds the most convincing evidence that the proposed construction, repair, or improvement of street lighting facilities will aid in the reduction of the crime rate in the proposed lighted area.

19402. The department shall adopt such rules and regulations as are necessary to implement the provisions of this part.

CHAPTER 1315

An act to amend Sections 290, 31600, 31602, 31609, 31611, 31612, 31613, 31614, 31616, 31617, 31619, 31620, and 34500 of the Vehicle Code, relating to transportation of explosives and other hazardous materials.

[Approved by Governor September 17, 1970. Filed with Secretary of State September 17, 1970.]

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

SECTION 1. Section 290 of the Vehicle Code is amended to read:

290. The "department" is the Department of Motor Vehicles except when used in Chapter 2 (commencing with Section 2100) of Division 2 and in Divisions 11 (commencing with Section 21000), 12 (commencing with Section 24000), 13 (commencing with Section 29000), and 14 (commencing with Section 31600) it shall mean the Department of the California Highway Patrol.

SEC. 2. Section 31600 of the Vehicle Code is amended to read:

31600. For the purposes of this division, the term "explosive" or "explosives" shall mean any substance, or combination thereof, that is commonly used for the purpose of detonation and which, upon exposure to any external force or condition, is capable of a relatively instantaneous release of gas and heat. The term "explosive" or "explosives" shall include, but shall not necessarily be limited to, all of the following:

(a) Substances determined to be class A or class B explosives as classified by the United States Department of Transportation.

(b) Nitro carbo nitrates (blasting agents) substances as classified by the United States Department of Transportation.

(c) Any substance meeting the provisions of this section when designated as class A or class B in regulations adopted by the State Fire Marshal in accordance with the provisions of Chapter 4.5 (commencing with Section 11371), Part 1, Division 3, Title 2, of the Government Code. Such designations

shall be made pursuant to classification standards established by the United States Department of Transportation.

(d) The term "explosives" as used in this division shall not be deemed to include small arms ammunition of .75 caliber or less, nor any other class C explosives as classified by the United States Department of Transportation.

(e) This division shall not apply to special fireworks classified by the United States Department of Transportation as class B explosives when such special fireworks are regulated by and in conformance with Part 2 (commencing with Section 12500) of Division 11 of the Health and Safety Code.

SEC. 2.5. Section 31600 of the Vehicle Code is amended to read:

31600. For the purposes of this division, the term "explosive" or "explosives" shall mean any substance or combination of substances, the primary or common purpose of which is detonation or rapid combustion and which is capable of a relatively instantaneous or rapid release of gas and heat The term "explosive" or "explosives" shall include, but shall not necessarily be limited to, any of the following:

(a) Dynamite, nitroglycerine, picric acid, lead azide, fulminate of mercury, black powder, smokeless powder, propellant explosives, detonating primers, blasting caps, or commercial boosters.

(b) Substances determined to be class A or class B explosives as classified by the United States Department of Transportation.

(c) Nitro-carbo-nitrates (blasting agents) substances as classified by the United States Department of Transportation.

(d) Any substance meeting the provisions of this section when designated as class A or class B in regulations adopted by the State Fire Marshal in accordance with the provisions of Chapter 4.5 (commencing with Section 11371), Part 1, Division 3, Title 2, of the Government Code. Such designations shall be made pursuant to classification standards established by the United States Department of Transportation.

(e) The term "explosives" as used in this division shall not be deemed to include small arms ammunition of .75 caliber or less, nor any other class C explosives as classified by the United States Department of Transportation.

(f) This division shall not apply to special fireworks classified by the United States Department of Transportation as class B explosives when such special fireworks are regulated by and in conformance with Part 2 (commencing with Section 12500) of Division 11 of the Health and Safety Code.

SEC. 3. Section 31602 of the Vehicle Code is amended to read:

31602. (a) It is a misdemeanor for any owner of a vehicle to drive or permit the driving of the vehicle on any public highway for the purpose of transporting any explosive as defined herein and within the scope of Section 31601 unless the owner then holds a valid license for the transportation of

explosives as provided in this division, except such persons as are expressly exempted in this division.

(b) It is a misdemeanor for the owner, or authorized agent of the owner, of any vehicle transporting explosives to drive, or to permit the driving of the vehicle, or for the driver to drive such vehicle, upon any public highway, not designated in regulations adopted by the Department of the California Highway Patrol as a route for the transportation of explosives, unless the use of the highway is required to permit delivery of, or the loading of, explosives at a point not on a highway designated as a route for the transportation of explosives, or unless the use of the highway is required to permit the vehicle to proceed to, and return from, a point designated as an inspection stop pursuant to this division.

(c) It is a misdemeanor for the driver of any vehicle transporting explosives to stop at any place not designated as a safe stopping place unless the vehicle is disabled or except when necessary to avoid conflict with other traffic or to comply with the orders of a peace officer or an official traffic control device. A safe stopping place is any location designated by the Department of the California Highway Patrol where the driver may stop for food, fuel or other necessary reasons and any location designated by the Department of the California Highway Patrol as a safe parking place, a safe stopping place, or as an inspection stop for purposes of this division.

(d) In the event the owner of a vehicle leases the same to be used in the transportation of explosives for which a license is required, the lessee shall be deemed the owner for the purposes of this division.

SEC. 4. Section 31609 of the Vehicle Code is amended to read:

31609. Every person operating a vehicle or combination of vehicles in the transportation of explosives subject to this division shall complete a record of every inspection which is required under Sections 31607 and 31608 in such form as approved by the Department of the California Highway Patrol showing the time and place of every inspection The person making the inspection shall certify the fact in the record. The forms may be based upon the type used by the United States Department of Transportation The record of every inspection shall be made at the time such inspection is conducted.

The driver of the vehicle shall display the record upon demand of any member of the California Highway Patrol or any police officer of a city who is on duty for the exclusive or main purpose of enforcing the provisions of this code.

SEC. 5. Section 31611 of the Vehicle Code is amended to read:

31611. Every owner of a vehicle used in the transportation of explosives and subject to this division shall make available in each vehicle the latest map showing the routes which are to be used for the transportation of explosives which has been furnished for the vehicle by the Department of the California

Highway Patrol, a list of the safe stopping places prescribed by the regulations of the Department of the California Highway Patrol for vehicles transporting explosives, and a summary of the provisions of this division. The owner shall require that the driver be thoroughly familiar with the provisions of this division before operating any vehicle in the transportation of explosives.

SEC. 6. Section 31612 of the Vehicle Code is amended to read:

31612. Persons operating vehicles, or combinations of vehicles, in the transportation of explosives and subject to this division, shall not accept any explosives for transportation unless the shipment is accompanied by a bill of lading or other shipping paper supplied by the shipper, showing the kind of explosives and bearing a statement that they have been packaged, labeled and marked in accordance with regulations of the United States Department of Transportation, and the bill of lading or other shipping paper shall be carried in the vehicle while en route and shall be displayed upon demand of any member of the California Highway Patrol or any police officer of a city who is on duty for the exclusive or main purpose of enforcing the provisions of this code.

SEC. 7. Section 31613 of the Vehicle Code is amended to read:

31613. There shall not be included in any cargo of explosives any flammable liquids, acids, or corrosive liquids, oxidizers, or combustible materials, other than the explosives themselves, which may have such characteristics Blasting caps or detonators shall not be transported upon the same vehicle with other explosives, nor shall electric blasting caps be transported upon any vehicle equipped with a radio transmitter. The foregoing provisions of this section shall be subject to such exceptions as are permitted by the United States Department of Transportation loading chart for cargoes of explosives.

SEC. 8. Section 31614 of the Vehicle Code is amended to read:

31614. The following provisions shall apply to any vehicle transporting explosives subject to this division:

(a) When transporting explosives through or into a city or any other congested area for which a route has not been designated by the Department of the California Highway Patrol, drivers shall follow such routes as may be prescribed or established by local authorities.

(b) Where routes are not prescribed by local authority, every driver of a vehicle transporting explosives shall avoid, so far as practicable, and, where feasible, by prearrangement of routes, driving into or through congested thoroughfares, places where crowds are assembled, streetcar tracks, tunnels, viaducts, and dangerous crossings.

(c) No driver or other person in charge of any vehicle on any public or private property shall permit any explosive to

be loaded into, or on, or to be unloaded from any motor vehicle with the engine running, and, whenever any loading operation is in progress, the parking brake on the motor vehicle shall be securely set and all reasonable precautions taken to prevent movement of the motor vehicle during loading or unloading.

(d) No driver or other person in charge of such vehicle shall operate or permit the operation of any vehicle transporting explosives unless all of that portion of the lading which consists of explosives is contained entirely within the body of the motor vehicle or within the horizontal outline thereof, without overhang or projection of any part of the load, and if such motor vehicle has a tailboard or tailgate, it shall be closed and secured in place during such transportation.

(e) Every motor vehicle transporting explosives shall have either a closed body or have the explosive cargo covered with a fire- and water-resistant tarpaulin, and in either event, care shall be taken to protect the load from moisture and sparks. Subject to other exceptions as are permitted by the United States Department of Transportation regulations, explosives may be transported on flat-bed vehicles if the explosive portion of the load on each vehicle is packed in fire- and water-resistant containers or covered with a fire- and water-resistant tarpaulin.

(f) No person shall operate any vehicle transporting explosives past any fire of any kind burning on or near the highway until the driver ascertains that such passing can be made with safety.

(g) No motor vehicle transporting explosives shall be left unattended upon any street or highway except in extreme emergency. The vehicle shall be deemed attended whenever a driver or person in charge thereof is in or upon the vehicle or is in a position to observe the vehicle at all times. The driver or person in charge of a vehicle transporting explosives may, however, leave the vehicle unattended at any place designated as a safe parking place on the list of safe stopping places prepared by the Department of the California Highway Patrol unless conditions exist, which are known to the driver, which make it unreasonable to do so.

(h) No driver or other person shall smoke or light any match or otherwise have or produce any fire or flame while in, upon, or near any vehicle transporting explosives.

SEC. 9. Section 31616 of the Vehicle Code is amended to read:

31616. The Department of the California Highway Patrol, after public hearings with the officials having the responsibility for the prevention and suppression of fire in communities through which routes for the transporting of explosives pass, representatives of transportation companies concerned, explosives manufacturers, and the State Fire Marshal shall, by regulation, designate the routes in this state which are to be used for the transportation of explosives. The Department of

the California Highway Patrol shall prepare for distribution to persons engaged in the transportation of explosives, maps which clearly indicate the routes, as established by the public hearings, which are to be used for the transportation of explosives. The Department of the California Highway Patrol shall prepare for distribution to persons engaged in the transportation of explosives a list of locations of required inspection stops, safe parking places, and safe stopping places and shall revise the list to keep it current.

SEC. 10. Section 31617 of the Vehicle Code is amended to read:

31617. In the event of an emergency, the Department of the California Highway Patrol is authorized to suspend or change any designated route for the transportation of explosives or to temporarily designate new or additional routes for such transportation. The Department of the California Highway Patrol shall, unless the nature of the emergency makes it impracticable to do so, consult with local fire officials in the area or areas affected before making any such changes or new designations. If the changes or new designations are made before they can be discussed with those officials, the Department of the California Highway Patrol shall immediately notify the appropriate officials of his action.

The change in or new designation of routes shall not be effective for more than 90 days from the date of such action, unless the Department of the California Highway Patrol determines that the change or new designation should become permanent, in which case the Department of the California Highway Patrol shall, within the 90-day period, initiate action to make the change or new designation permanent in accordance with the provisions of Section 31616 and in which case the emergency change or designation shall remain in effect until superseded by a regulation of the Department of the California Highway Patrol.

SEC. 11. Section 31619 of the Vehicle Code is amended to read:

31619. When not in conflict with any local ordinance pertaining to the transportation of explosives, it shall be lawful to transport smokeless powder in an amount not exceeding 100 pounds if packed in containers prescribed by the United States Department of Transportation upon a highway not designated by the Department of the California Highway Patrol as a route for the transportation of explosives.

SEC. 12. Section 31620 of the Vehicle Code is amended to read:

31620. The Department of the California Highway Patrol, upon application of any interested party, with the concurrence of the fire chief or chiefs in the area or areas affected, and if he determines that such action may be taken without jeopardizing the public safety, may suspend, or waive compliance with, the whole or any part of the requirements of this division insofar as they apply to the delivery or transportation

of explosives in sparsely populated, unincorporated areas or in any area where there may be practical difficulties or unnecessary or unreasonable hardship in carrying out the provisions of this division. No person shall be charged with any crime for any violation of the provisions of this division when such a suspension or waiver by the Department of the California Highway Patrol is in effect in the area in which the alleged violation occurs.

SEC. 13. Section 34500 of the Vehicle Code is amended to read:

34500. The Department of the California Highway Patrol shall regulate the safe operation of the following vehicles:

(a) Motortrucks of three or more axles.

(b) Truck tractors.

(c) Buses.

(d) Trailers, semitrailers, pole or pipe dollies, auxiliary dollies and logging dollies used in combination with (a), (b), or (c) above.

(e) Combinations of a two-axle truck and trailer or semitrailer with or without an auxiliary dolly, coupled together, exceeding a total length of 40 feet.

(f) Any truck, or any combination of truck and any other vehicle, transporting materials defined and classified as hazardous by the United States Department of Transportation (49CFR, Parts 172 and 173), unless the transportation of such materials is subject to other provisions of this code.

SEC. 14. Any rules or regulations adopted by the State Fire Marshal relating to the transportation of explosives, which are in effect at the time this act becomes effective, shall remain in existence as the rules and regulations of the Department of the California Highway Patrol until repealed by the department.

SEC. 15. It is the intent of the Legislature, if amendments to Section 31600 of the Vehicle Code proposed by both this bill and Assembly Bill No. 2057, this bill and Senate Bill No. 1350, or this bill and Assembly Bill No. 2057 and Senate Bill No. 1350, are enacted, that all of the amendments be given effect and incorporated in Section 31600 in the form set forth in Section 2.5 of this act. Therefore, in the event Assembly Bill No. 2057 or Senate Bill No. 1350 is enacted, or both Assembly Bill No. 2057 and Senate Bill No. 1350 are enacted, and each bill amends Section 31600, Section 2.5 of this act shall become operative on the effective date of this act and Section 2 of this act shall not take effect.

CHAPTER 1316

An act to amend Section 12800 of, and to add Section 12551.1 to, the Welfare and Institutions Code, relating to public assistance.

[Approved by Governor September 17, 1970. Filed with Secretary of State September 17, 1970.]

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

SECTION 1. Section 12800 of the Welfare and Institutions Code is amended to read:

12800. There is in the State Treasury a permanent revolving fund, in the amount of thirty-five thousand dollars ($35,000), to be known as the Revolving Loan Fund, and to be administered by the department. The fund shall be used to make loans to recipients of aid under this chapter or Chapter 5 of this part, at a rate of interest not to exceed 3 percent per year, to enable those recipients to establish themselves in businesses, professions, or other gainful employment, including, but not limited to self-employment or to assist those already engaged in such endeavors. No loan in excess of five thousand dollars ($5,000) shall be made to any individual under this section.

The department shall establish the terms and conditions of loans made pursuant to this section, and shall prescribe the procedure to be followed in making application for such loans. All funds received in repayment of loans made pursuant to this section shall be deposited in the Revolving Loan Fund, and shall be available for the making of additional loans as provided in this section.

In no event shall the amount expended in any fiscal year from the Revolving Loan Fund exceed the amount saved by the state as a result of discontinuance of aid due to the earnings of persons during the preceding fiscal year.

SEC. 2. Section 12551.1 is added to the Welfare and Institutions Code, to read:

12551.1. Any blind resident of California who is eligible for aid under this chapter and who is attending or residing in an orientation center for the blind established pursuant to Article 1 (commencing with Section 19500) of Chapter 6 of Part 2 of this code shall be deemed eligible to receive aid under Chapter 5 (commencing with Section 13000) of this part.

CHAPTER 1317

An act to add Section 1951 to the Civil Code, relating to landlord and tenant.

[Approved by Governor September 17, 1970. Filed with Secretary of State September 17, 1970.]

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

SECTION 1. Section 1951 is added to the Civil Code, to read:

1951. (a) Any payment or deposit of money the primary function of which is to secure the performance of a rental agreement or any part of such an agreement, other than a payment or deposit, including an advance payment of rent, made to secure the execution of a rental agreement, shall be governed by the provisions of this section.

(b) Any such payment or deposit of money shall be held by the landlord for the tenant who is party to such agreement. The claim of a tenant to such payment or deposit shall be prior to the claim of any creditor of the landlord, except a trustee in bankruptcy.

(c) The landlord may claim of such payment or deposit only such amounts as are reasonably necessary to remedy tenant defaults in the payment of rent, to repair damages to the premises caused by the tenant, or to clean such premises upon termination of the tenancy, if the payment or deposit is made for any or all of those specific purposes. Any remaining portion of such payment or deposit shall be returned to the tenant no later than two weeks after termination of his tenancy.

(d) Upon termination of the landlord's interest in the dwelling unit in question, whether by sale, assignment, death, appointment of receiver or otherwise, the landlord or his agent shall, within a reasonable time, do one of the following acts, either of which shall relieve him of further liability with respect to such payment or deposit:

(1) Transfer the portion of such payment or deposit remaining after any lawful deductions made under subdivision (c) to the landlord's successor in interest, and thereafter notify the tenant by registered mail of such transfer, and of the transferee's name and address.

(2) Return the portion of such payment or deposit remaining after any lawful deductions made under subdivision (c) to the tenant.

(e) Upon receipt of any portion of such payment or deposit under paragraph (1) of subdivision (d), the transferee shall have all of the rights and obligations of a landlord holding such payment or deposit with respect to such payment or deposit.

(f) The bad faith retention by a landlord or transferee of a payment or deposit or any portion thereof, in violation of this section, may subject the landlord or his transferee to damages not to exceed two hundred dollars ($200), in addition to any actual damages.

(g) This section shall become operative on January 1, 1971, and shall apply only to payments or deposits made on or after such date.

CHAPTER 1318

An act to amend Sections 1680, 2660, and 2960 of, and to add Sections 2361.5 and 3108 to, the Business and Professions Code, and to Add Section 5 to an initiative act entitled the "Osteopathic Act," approved by the electors November 7, 1922, relating to the healing arts.

[Approved by Governor September 17, 1970. Filed with Secretary of State September 17, 1970.]

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

SECTION 1. 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.

(20) The clearly excessive prescribing or administering of drugs or treatment, use of diagnostic procedures, or use of diagnostic or treatment facilities which are detrimental to the patient as determined by the customary practice and standards of the local community of licensees

SEC. 2. Section 2361.5 is added to the Business and Professions Code, to read:

2361.5 Clearly excessive prescribing or administering of drugs or treatment, use of diagnostic procedures, or use of diagnostic or treatment facilities which are detrimental to the patient, as determined by the customary practice and standards of the local community of licensees, is unprofessional conduct within the meaning of this chapter.

SEC. 2.5. Section 2660 of the Business and Professions Code is amended to read:

2660. The board may, after appropriate proceedings under the Administrative Procedure Act, suspend for not more than 12 months or revoke any license issued under this chapter for any of the following causes:

(a) Advertising in violation of Section 17500 of the Business and Professions Code.

(b) Fraud in the procurement of any license under this chapter.

(c) Procuring or aiding or offering to procure or aid in criminal abortion.

(d) Conviction of a felony or other crime involving moral turpitude. The record of conviction or a certified copy thereof shall be conclusive evidence of such conviction.

(e) Impersonating or acting as a proxy for an applicant in any examination given under this chapter.

(f) Habitual intemperance.

(g) Addiction to the excessive use of any habit-forming drug.

(h) Gross negligence in his practice as a physical therapist.

(i) Conviction of a violation of any of the provisions of this chapter.

(j) Clearly excessive administering of treatment or use of treatment or use of treatment facilities to the detriment of the patient as determined by the customary practice and standards of the local community of licensees.

SEC. 3. Section 2960 of the Business and Professions Code is amended to read:

2960. The committee may order the denial of an application for, or the suspension for a period not exceeding one year, or the revocation of, or the imposition of probationary conditions upon, a license for any of the following causes:

(a) Conviction of a felony, or of any offense involving moral turpitude.

(b) Use of any narcotic as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any alcoholic beverage to an extent or in a manner dangerous to himself, any other person, or the public, or to an extent that such use impairs his ability to perform the work of a psychologist with safety to the public.

(c) Impersonating another person holding a psychology license or allowing another person to use his license.

(d) Using fraud or deception in applying for a license or in passing the examination provided for in this chapter.

(e) Accepting commissions or rebates or other forms of remuneration for referring persons to other professionals.

(f) Violating Section 17500.

(g) Willful, unauthorized communication of information received in professional confidence.

(h) Violating any rule of professional conduct promulgated by the committee and set forth in regulations duly adopted under this chapter.

(i) Being grossly negligent in the practice of his profession.

(j) Willfully violating any of the provisions of this chapter or regulations duly adopted thereunder.

(k) The clearly excessive prescribing or administering of drugs or treatment, use of diagnostic procedures, or use of diagnostic or treatment facilities which are detrimental to the patient as determined by the customary practice and standards of the local community of licensees.

SEC. 4. Section 3108 is added to the Business and Professions Code, to read:

3108 Clearly excessive prescribing or administering of drugs or treatment, use of diagnostic procedures, or use of diagnostic or treatment facilities which are detrimental to the patient, as determined by the customary practice and standards of the local community of licensees, is unprofessional conduct within the meaning of this chapter.

SEC. 5. Section 5 is added to the initiative act entitled the "Osteopathic Act," approved by the electors November 7, 1922, to read:

SEC. 5. Clearly excessive prescribing or administering of drugs or treatment, use of diagnostic procedures, or use of

diagnostic or treatment facilities which are detrimental to the patient, as determined by the customary practice and standards of the local community of licensees, is unprofessional conduct.

CHAPTER 1319

An act to amend Section 538 of the Code of Civil Procedure, relating to attachments.

[Approved by Governor September 17, 1970. Filed with Secretary of State September 17, 1970.]

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

SECTION 1. Section 538 of the Code of Civil Procedure is amended to read:

538. The clerk of the court, or the justice, where there is no clerk, must issue the writ of attachment upon receiving an affidavit by or on behalf of the plaintiff showing:

1. The facts specified in Section 537 which entitle him to the writ;

2. The amount of the indebtedness claimed, over and above all legal setoffs or counterclaims, or the amount claimed as damages; or, if an attachment is then sought for only part thereof, such partial amount; and

3. That the attachment is not sought, and the action is not prosecuted, to hinder, delay, or defraud any creditor of the defendant.

4. That the affiant has no information or belief that the defendant has been adjudicated a bankrupt, with reference to the indebtedness for which the writ is sought, by any United States district court, nor that the defendant is, at the time of the request for the writ, under any wage earner's plan approved by any United States court.

Provided, however, that no attachment may be issued under this chapter in any action in which the sum claimed, exclusive of interest and attorney's fees, is less than two hundred dollars ($200).

In all cases where the earnings of the judgment debtor which would be exempt under the provisions of Section 690.11 of the Code of Civil Procedure are sought to be attached on the ground that the action is brought to collect a debt incurred for the common necessaries of life, the affidavit must contain a statement to that effect, and must specify the character or nature of the items constituting the alleged necessaries.

SEC. 2. Section 538 of the Code of Civil Procedure is amended to read:

538. The clerk of the court, or the justice, where there is no clerk, must issue the writ of attachment upon receiving an affidavit by or on behalf of the party seeking the writ showing:

1. The facts specified in Section 537 which entitle him to the writ;

2. The amount of the indebtedness claimed, over and above all legal setoffs or counterclaims, or the amount claimed as damages; or, if an attachment is then sought for only part thereof, such partial amount; and

3. That the attachment is not sought, and the action is not prosecuted, to hinder, delay, or defraud any creditor of the defendant.

4. That the affiant has no information or belief that the defendant has been adjudicated a bankrupt, with reference to the indebtedness for which the writ is sought, nor that the defendant or cross-defendant is, at the time of the request for the writ, under any wage earner's plan approved by any United States court.

Provided, however, that no attachment may be issued under this chapter in any action in which the sum total claimed, exclusive of interest and attorney's fees, is less than two hundred dollars ($200).

SEC. 3. It is the intent of the Legislature, if amendments to Section 538 of the Code of Civil Procedure proposed by both this bill and Assembly Bill No. 2240 are enacted, that both amendments be given effect and incorporated in Section 538 in the form set forth in Section 2 of this act. Therefore, in the event Assembly Bill No. 2240 is enacted and amends Section 538, Section 2 of this act shall become operative at the same time that Section 538 as amended by Assembly Bill No. 2240 becomes operative, and at that time, Section 538 of the Code of Civil Procedure as amended by Section 1 of this act is repealed.

CHAPTER 1320

An act to add Chapter 6 (commencing with Section 37120) to Part 8 of Division 24 of the Health and Safety Code, relating to housing.

[Approved by Governor September 17, 1970. Filed with Secretary of State September 17, 1970.]

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

SECTION 1. Chapter 6 (commencing with Section 37120) is added to Part 8 of Division 24 of the Health and Safety Code, to read:

CHAPTER 6. CALIFORNIA HOUSING POLICY

Article 1. Declaration and Legislative Findings

37120. The purpose of this chapter is to provide a statement of policy to direct the efforts of California state and local governments, to the extent that they are regulated by or operate within the framework of state legislation, in their

attempts to meet the need for shelter of the residents of this state. It is also the purpose of this chapter to reevaluate and declare legislative intent with respect to those housing-related activities affected by legislation in order to ensure proper coordination of those activities, and the consistency of their purpose, to provide every Californian with a decent home and a satisfying environment.

37121. The Legislature finds that the subject of housing is of vital statewide importance to the health, safety, morals and welfare of the residents of this state, for the following reasons:

(1) Decent housing is an essential motivating force in helping people achieve self-fulfillment in a free and democratic society.

(2) Unsanitary, unsafe, overcrowded, or congested dwelling accommodations constitute conditions which cause an increase in, and spread of, disease and crime.

(3) A healthy housing market is one in which residents of this state have a choice of housing opportunities and one in which the housing consumer may effectively choose within the free marketplace.

(4) A healthy housing market is fundamentally related to a healthy state economy and can contribute significantly to the employment factor of California.

37122. The Legislature also finds that the Congress of the United States has established as a national goal the provision of "a decent home and a suitable living environment for every American family" and that the attainment of this goal is a priority of the highest order.

37123. The Legislature further finds that the national housing goal, as defined in Section 37122, as it applies to California, is deserving of adoption by the Legislature, with the accompanying commitment to guide, encourage, and direct, where possible, the efforts of the private and public sections of the economy to cooperate and participate in the early attainment of a decent home and a satisfying environment for every Californian.

37124. The Legislature also finds that the attainment of a national and state housing goal is complicated by a variety of continuing problems, not the least of which are the absence of a coherent state housing policy, the absence of a comprehensive framework outlining the dimensions of need, and obstacles preventing the fulfillment of such need, and the absence of effective private-public mechanisms designed to engender and facilitate a partnership approach to housing.

37125. The Legislature declares that it is in the public interest to adopt the statement of policy objectives set forth in this chapter with respect to housing in California.

Article 2. State Involvement in Housing

37130. The Legislature recognizes that the production and financing of private and public housing rely heavily upon the fiscal and monetary policies of the federal government, and

that the federal government has established and continues to establish programs of mortgage insurance, secondary financing, direct loans, and subsidies for housing purposes. It is also recognized that changes in these policies and programs may have consequential effects upon the State of California and its housing market.

37131. The Commission of Housing and Community Development and the Department of Housing and Community Development shall continually evaluate the impact upon this state of federal policies and programs affecting housing and, with the advice and direction of the private housing and construction industry and local government, represent the interests of this state before the appropriate federal governmental entities.

37132. The Department of Housing and Community Development shall be the principal state department responsible for coordinating federal-state relationships in housing. The department shall encourage full utilization of those federal programs available for assisting the residents of this state, the private housing industry, and local government in satisfying California's housing needs.

37133. The Department of Housing and Community Development shall develop, in cooperation with the private housing industry as well as regional and local housing and planning agencies, a California Statewide Housing Element, which shall consist of the following segments:

(1) An evaluation and summary of housing conditions throughout the State of California, with particular emphasis upon the availability of housing for all economic segments of the state. This evaluation shall include an analysis of each major metropolitan area and region within the State of California and of the existing geographic distribution of housing by type and cost, and of the existing geographic distribution of families by income, size and ethnic character.

(2) Housing development goals for the forthcoming year and projected five years ahead. These goals shall be established as those needed to house all residents of this state.

(3) An identification of market constraints and obstacles and specific recommendations for their removal.

(4) An analysis of state and local housing and building codes and their enforcement. This analysis shall include consideration of whether such codes contain sufficient flexibility to respond to new methods of construction and new materials

(5) Recommendations which will contribute to the attainment of housing goals established for California.

37134. The California State Housing Element is intended to provide a framework and serve as a guide for the preparation and implementation of local housing elements as required by Section 65302 of the Government Code.

37135. The provisions of this chapter shall be effective notwithstanding any contrary provision of any other chapter of this part.

CHAPTER 1321

An act to amend Section 9603.3 of the Revenue and Taxation Code, relating to the Motor Vehicle Transportation License Tax Law.

[Approved by Governor September 17, 1970. Filed with Secretary of State September 17, 1970.]

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

SECTION 1. Section 9603.3 of the Revenue and Taxation Code is amended to read:

9603.3. "Operator" does not include any of the following:

(a) Any person transporting his own property in a motor vehicle owned or operated by him unless he makes a specific charge for the transportation. This subdivision does not in any way limit any other exemption granted by this section.

(b) Any farmer, resident of this state, who occasionally transports property for other farmers, or who transports his own farm products, or who transports laborers to and from farm work incidentally in his farming operations.

(c) Any nonprofit agricultural cooperative association, organized and acting within the scope of its powers under Chapter 1 (commencing with Section 54001) of Division 20 of the Agricultural Code, to the extent only that it is engaged in the transporting of its own property or the property of its members.

(d) Any person whose sole transportation of persons or property for hire or compensation consists of the transportation of children to or from any public or nonprofit private school or any person whose sole transportation of persons or property for hire or compensation consists of the leasing of vehicles to a public or nonprofit private school for the transportation of children to and from such school.

(e) Any person engaged in the business of operating a hearse or other vehicle in a procession to a burial ground or place of interment and from the burial ground or place of interment to a garage or place of storage.

(f) Any registered owner of a pleasure vehicle who, while operating the vehicle, transports persons to his work or to a place through which he passes on the way to his work, whether for or without compensation, if he is not in the business of furnishing such transportation.

(g) Any person engaged in the business of collecting and disposing of garbage, rubbish or waste, and who transports any such matter in a motor vehicle owned or operated by him, unless he makes a separate or specific charge for transportation. It is hereby declared that any such business is one substantially affecting the public health and welfare.

CHAPTER 1322

An act to add Section 17707 to, and Article 17.5 (commencing with Section 18421) to Chapter 3 of Division 14 of, the Education Code, relating to severance aid to school districts.

[Approved by Governor September 17, 1970. Filed with Secretary of State September 17, 1970.]

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

SECTION 1. Section 17707 is added to the Education Code, to read:

17707. For the purpose of computing allowances and apportionments, other than severance aid, from the State School Fund for districts qualifying for severance aid as provided in Article 17.5 (commencing with Section 18421) of Chapter 3 of this division, the total assessed valuation in the district as shown by the equalized assessment roll shall be increased as follows: for the first year qualifying property is excluded from the assessment roll as exempt property, there shall be added to the total assessed valuation an amount equal to the assessed value of said qualifying property as used to compute the amount of severance aid. The next following year there shall be added to the total assessed valuation four-fifths of the assessed value of qualifying property as used to compute the amount of severance aid; the second following year there shall be added three-fifths of said assessed value; the third following year there shall be added two-fifths of said assessed value, and the fourth following year there shall be added one-fifth of said assessed value.

In the event more than one allowance of severance aid is payable because qualifying property is acquired during more than one fiscal year, the increase in total assessed valuation required by this section shall be made separately as to qualifying property acquired in each such year.

"Qualifying property" for the purposes of this section means property acquired for state highway purposes which, by reason of its assessed value, either alone or in combination with other property, and the identity of the acquiring agency or agencies, qualifies the district to receive severance aid.

SEC. 2. Article 17.5 (commencing with Section 18421) is added to Chapter 3 of Division 14 of the Education Code, to read:

Article 17.5. Allowances to School Districts for Severance Aid

18421. Whenever real property within a school district is acquired for state highway purposes, the Superintendent of Public Instruction shall allow to the school district an amount of severance aid as provided in this section, in addition to any other allowances provided by this chapter. For the five years following the acquisition of such property the Superintendent

of Public Instruction shall allow to the school district severance aid based on the amount of tax revenues the school district would have received from such property if there had been no such acquisition, computed as follows: for the year following such acquisition, the district shall be allowed the amount of tax revenues, except revenues for bond interest and redemption, which would have been paid during the year of acquisition if the taxes assessed on the property acquired were then paid in full; for the second year the district shall be allowed 80 percent of such amount; for the third year the district shall be allowed 60 percent of such amount; for the fourth year the district shall be allowed 40 percent of such amount; and for the fifth year the district shall be allowed 20 percent of such amount.

18422. For school districts in which the land acquisition was completed on or subsequent to June 30, 1962, but prior to the effective date of this act, the Superintendent of Public Instruction shall perform the computation prescribed in Section 18421 and compute the total amount of severance aid for a five-year period commencing with the date of completion of the acquisition. He shall determine an amount equal to 10 percent of the amount computed and certify the amount determined to the State Controller in the manner prescribed in Section 18424.

18423. No allowance of severance aid shall be made as provided in Section 18421 or 18422 unless the total assessed value of taxable real property within the school district is reduced by 2 percent or more during a fiscal year by reason of acquisitions giving rise to severance aid as provided in Section 18421 or 18422. In determining whether or not the value of such acquisitions is equal to 2 percent or more of the value of taxable real property, all such acquisitions made during each fiscal year shall be considered as one sum.

18424. On or before April 20th in each fiscal year, the Superintendent of Public Instruction shall determine and certify to the State Controller the amount of severance aid computed and to be allowed to school districts under Section 18421 or 18422 for the fiscal year On or before May 15th in each fiscal year, the State Controller shall order the transfer, from the Motor Vehicle Transportation Tax Fund to the State School Fund, of the amount of severance aid computed and to be allowed to school districts for the fiscal year as so certified The Department of Public Works may charge or allocate to the appropriate particular projects on account of which severance aid was computed, the amounts so transferred. In the case of severance aid determined pursuant to Section 18422, the allowance shall be apportioned to the school district in two equal annual installments.

18425. No money shall be allowed from the State School Fund for any fiscal year pursuant to this article, nor shall any computations be made for that fiscal year pursuant to Section 17707, unless the Legislature approves the transfer of

money by the State Controller from the Motor Vehicle Transportation Tax Fund to the State School Fund for that fiscal year pursuant to this section by appropriating the money from the Motor Vehicle Transportation Tax Fund for that specific purpose.

CHAPTER 1323

An act to amend Section 2690 of the Penal Code, relating to prisoners.

[Approved by Governor September 17, 1970. Filed with Secretary of State September 17, 1970.]

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

SECTION 1. Section 2690 of the Penal Code is amended to read:

2690. The Director of Corrections may authorize the temporary removal from prison or any other institution for the detention of adults under the jurisdiction of the Department of Corrections of any inmate. The director may require that such temporary removal be under custody. Unless the inmate is removed for medical treatment, the removal shall not be for a period longer than three days. The director may require the inmate to reimburse the state, in whole or in part, for expenses incurred by the state in connection with such temporary removal other than for medical treatment.

SEC. 2. This act shall become operative January 1, 1972.

CHAPTER 1324

An act making an appropriation to the Board of Governors of the California Community Colleges to establish and operate training programs for psychiatric technicians.

[Approved by Governor September 17, 1970. Filed with Secretary of State September 17, 1970.]

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

SECTION 1. The pressing need to maintain a sufficient number of trained mental health personnel to meet the state's mental health needs makes it imperative that this chapter be enacted.

SEC. 2. There is hereby appropriated from the psychiatric technicians account in the Vocational Nurse and Psychiatric Technicians Examiners Fund the sum of two hundred thousand dollars ($200,000) to the Board of Governors of the California Community Colleges in augmentation of its appropriations for support or for other purposes, one hundred thousand dollars ($100,000) of the amount to be allocated at

the time this act becomes operative and one hundred thousand dollars ($100,000) to be allocated January 15, 1971, which is to be expended by the board during the 1970–1971 fiscal year and the 1971–1972 fiscal year to establish and operate accredited training programs for psychiatric technicians that will enable the state to meet the staffing needs of community mental health programs

These funds may be expended on, but not limited to, any of the following uses:

(a) Scholarships including grants to meet living costs or portions thereof.

(b) Program planning.

(c) Supervision and instruction in the clinical experience portion of the program

(d) Cost of books, uniforms, and training materials.

(e) Grants to cover the cost of necessary transportation for classroom instruction and clinical experience.

SEC. 3. The California Board of Governors of the Community Colleges shall administer the program under this act and shall adopt such rules and regulations as are reasonably necessary to carry out the provisions of this act

SEC. 4. No person shall be granted scholarships or grants to meet the cost of living or portions thereof unless he meets all the following:

(a) He is a resident of California.

(b) He shall provide satisfactory evidence that he is qualified to enroll in such a study and, pending successful completion of the program and the passing of the examination, would otherwise be eligible for licensure as a psychiatric technician.

(c) He shall demonstrate a need for financial or other assistance pursuant to this act.

(d) He is unable to qualify for or obtain scholarship aid in his community under any federal traineeship program, the Health Manpower Act of 1968 (P.L. 90-490), the Manpower Development and Training Act of 1962 (P.L. 87-415), the Manpower Development and Training Amendments of 1966 (P.L. 89-792) or any other federal program of assistance for obtaining preparation in nursing occupations.

(e) He does not receive a salary, stipend, or grant from the Department of Mental Hygiene psychiatric technician training funds.

CHAPTER 1325

An act to add Sections 17507.9 and 17507.95 to the Education Code, relating to public schools.

[Approved by Governor September 17, 1970. Filed with Secretary of State September 17, 1970.]

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

SECTION 1. Section 17507.9 is added to the Education Code, to read:

17507.9. The State Board of Education may waive the minimum schoolday requirements of Section 11005 to enable school districts to establish experimental educational programs in reading and mathematics. A waiver shall be granted pursuant to this section only if:

(a) The State Board of Education has approved the experimental program.

(b) The total weekly minutes of instruction in the experimental program are equivalent to the total number of minutes per week which would be required by Section 11005.

Participating school districts shall conduct pretesting and posttesting of pupils enrolled in such experimental educational programs to determine the academic achievement of such pupils. Such tests shall be approved by the State Board of Education. Participating school districts shall also conduct control testing programs of pupils not enrolled in such experimental educational programs. Pupils in the control group shall be selected to be, as nearly as practicable, comparable in ability and socioeconomic background to pupils enrolled in the experimental programs.

SEC. 2. Section 17507.95 is added to the Education Code, to read:

17507.95. The principal of any elementary school maintaining kindergarten classes or regular day classes in grades 1 to 3, inclusive, may recommend to the governing board of the school district, or the governing board may adopt a resolution determining, that an exemption should be granted from any of the provisions of Section 17507, 17507.5, or 17507.6 with respect to such classes on the basis that such provisions prevent the school and school district from developing more effective educational programs to improve instruction in reading and mathematics for pupils in the specified classes. Upon approval of such recommendation, or the adoption of such resolution, the governing board shall make application to the State Board of Education on behalf of the school for an exemption for such classes from the specified provisions. The State Board of Education shall grant the application if it finds that the specified provisions of Section 17507, 17507.5, or 17507.6 prevent the school from developing more effective educational programs to improve instruction in reading and mathematics for pupils in the specified classes and shall, upon granting the application, exempt the school district from the penalty provision of such sections.

SEC. 3. The State Board of Education shall, on the fifth calendar day of the 1971 Regular Session and annually thereafter, submit to the Legislature a report on the waivers and exemptions granted pursuant to Sections 1 and 2, respectively, of this act. The report shall also include the results of the

pretesting, posttesting, and control testing required by Section 1 of this act.

SEC. 4. The total number of waivers and exemptions authorized by Sections 1 and 2, respectively, shall be limited to not more than 20 programs established in not more than 20 elementary schools.

SEC 5. This act shall remain in effect until June 30, 1974, and shall have no force or effect after that date.

CHAPTER 1326

An act to amend Section 11825 of the Education Code, relating to pupils.

[Approved by Governor September 17 1970 Filed with Secretary of State September 17, 1970]

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

SECTION 1. Section 11825 of the Education Code is amended to read:

11825. Upon first enrollment of a child at a California elementary school, and at least every third year thereafter until the child has completed the eighth grade, the child's vision shall be appraised by the school nurse or other authorized person under Section 11823. This evaluation shall include tests for visual acuity and color vision. Gross external observation of the child's eyes, visual performance, and perception shall be done by the school nurse and the classroom teacher. The evaluation may be waived, if the child's parents so desire, by their presenting of a certificate from a physician and surgeon or an optometrist setting out the results of a determination of the child's vision, including visual acuity and color vision.

The provision of this section shall not apply to any child whose parents or guardian file with the principal of the school in which the child is enrolling, a statement in writing that they adhere to the faith or teachings of any well-recognized religious sect, denomination or organization and in accordance with its creed, tenets, or principles depend for healing upon prayer in the practice of their religion.

CHAPTER 1327

An act to add Section 2377.5 to, and to add Article 18 (commencing with Section 2510) to Chapter 5, Division 2 of, the Business and Professions Code, relating to medical practice.

[Approved by Governor September 17 1970 Filed with Secretary of State September 17, 1970]

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

SECTION 1. Section 2377.5 is added to the Business and Professions Code, to read:

2377.5. The use, supervision, or employment by a physician of a graduate of an approved program as defined in Section 2511, without the approval of the Board of Medical Examiners of the State of California, constitutes unprofessional conduct within the meaning of this chapter.

SEC. 2. Article 18 (commencing with Section 2510) is added to Chapter 5, Division 2 of the Business and Professions Code, to read:

Article 18. Physicians' Assistants

2510. In its concern with the growing shortage and geographic maldistribution of health care services in California, the Legislature intends to establish in this article a framework for development of a new category of health manpower—the physician's assistant.

The purpose of this article is to encourage the more effective utilization of the skills of physicians by enabling them to delegate health care tasks to qualified physician's assistants where such delegation is consistent with the patient's health and welfare.

This article is established to encourage the utilization of physician's assistants by physicians, and to provide that existing legal constraints should not be an unnecessary hindrance to the more effective provision of health care services. It is also the purpose of this article to allow for innovative development of programs for the education of physician's assistants.

At the termination of this article and upon review of reports and recommendations from the Board of Medical Examiners of the State of California and others with expertise in health manpower programs, it is the intent of the Legislature to establish a system of certifying or licensing physician's assistants so that the quality of service is insured.

2511. As used in this article:

(a) "Board" means the Board of Medical Examiners of the State of California.

(b) "Approved program" means a program for the education of physician's assistants which has been formally approved by the board.

(c) "Trainee" means a person who is currently enrolled in an approved program.

(d) "Physician's assistant" means a person who is a graduate of an approved program and is approved by the board to perform medical services under the supervision of a physician or physicians approved by the board to supervise such assistant.

2512. Notwithstanding any other provision of law, a physician's assistant may perform medical service when such services are rendered under the supervision of a licensed physician or physicians approved by the board.

2513. Notwithstanding any other provision of law, a trainee may perform medical services when such services are rendered within the scope of an approved program.

2514. No medical services may be performed under this article in any of the following areas:

(a) The measurement of the powers or range of human vision, or the determination of the accommodation and refractive states of the human eye or the scope of its functions in general, or the fitting or adaptation of lenses or frames for the aid thereof.

(b) The prescribing or directing the use of, or using, any optical device in connection with ocular exercises, visual training, vision training or orthoptics.

(c) The prescribing of contact lenses for, or the fitting or adaptation of contact lenses to, the human eye.

(d) The practice of dentistry or dental hygiene as defined in Chapter 4 (commencing with Section 1600) of this division.

Nothing in this section shall preclude the performance of routine visual screening.

2515. (a) The board shall issue certificates of approval for programs for the education and training of physician's assistants which meet board standards.

(b) In developing criteria for program approval the board shall give consideration to, and encourage, the utilization of equivalency and proficiency testing and other mechanisms whereby full credit is given to trainees for past education and experience in health fields.

(c) The board shall adopt and publish standards to insure that such programs operate in a manner which does not endanger the health and welfare of patients who receive services within the scope of the program. The board shall review the quality of the curriculum, faculty, and the facilities of such programs, and shall issue certificates of approval, and at such other times as it deems necessary to determine that the purposes of this article are being met.

2516. The board shall formulate guidelines for the consideration of applications by a licensed physician or physicians to supervise physician's assistants. Each application made by a physician or physicians to the board shall include all of the following:

(a) The qualifications, including related experience, possessed by the proposed physician's assistant.

(b) The professional background and specialty of the physician or physicians.

(c) A description by the physician of his, or physicians of their, practice, and the way in which the assistant or assistants are to be utilized.

The board shall not approve an application by any one physician to supervise more than two physician's assistants at any one time.

2517. The board shall approve an application by a licensed physician or physicians to supervise a physician's assistant

where the board finds that the proposed assistant is a graduate of an approved program, and is fully qualified by reason of experience and education to perform medical services under the supervision of a licensed physician.

2518. Any person other than one who has been approved by the board who holds himself out as a "physician's assistant," or who uses any other term indicating or implying that he is a physician's assistant, is guilty of a misdemeanor.

2519. There is established an Advisory Committee on Physician's Assistant Programs which shall be advisory to the board on matters pertaining to the education of physician's assistants and approval of applicants to supervise a physician's assistant. The committee shall consist of eight members appointed by the Governor.

2519.5. The members of the committee shall include one representative of the board, who shall be chairman of the committee, a representative of a California medical school, an educator with experience in the development of health manpower programming, one physician, and one registered nurse.

2519.7. Each member of the committee shall receive a per diem and expenses as provided in Section 103.

2520. The board shall report to the Legislature no later than January 1, 1972.

(a) The number and types of programs which have been approved and a description of each.

(b) The number of physician's assistants who have been approved for supervision under this article.

(c) The education and qualifications of each physician's assistant.

(d) Background concerning the numbers of physicians supervising assistants, their specialties, and the counties in which they practice.

(e) The scope of practice of approved physician's assistants.

(f) Recommendations for establishing a permanent program of certification or licensure for physician's assistants.

2520.5. In developing criteria for program approval and approval of applications to utilize physician's assistants and in preparing its report to the Legislature, the board shall consult with and seek the advice of professional medical organizations and specialty societies.

2521. (a) A fee of ten dollars ($10) shall be charged for each application to the board by a physician or physicians to supervise each physician's assistant.

(b) A fee of fifty dollars ($50) shall be charged for each approval granted by the board. Approval shall be limited to one year.

(c) The board shall renew approval upon application for such renewal, and a fee of twenty-five dollars ($25) shall be paid for such renewal.

(d) A fee of fifty dollars ($50) shall be charged to each applicant seeking program approval by the board.

(e) A fee of five hundred dollars ($500) shall be charged to each approved program located in California.

2522. The board may adopt such regulations as are reasonably necessary to carry out the purposes of this article.

CHAPTER 1328

An act to add Division 3.5 (commencing with Section 660) to the Military and Veterans Code, relating to veterans.

[Approved by Governor September 17, 1970. Filed with Secretary of State September 17, 1970.]

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

SECTION 1. Division 3.5 (commencing with Section 660) is added to the Military and Veterans Code, to read:

DIVISION 3.5. EXTRAORDINARY COMMISSION ON THE VIETNAM VETERAN

660. The Legislature hereby finds and declares that:

(1) California has the largest number of Vietnam veterans of any state, with over 400,000 Vietnam veterans presently residing in the state, and approximately 9,000 more coming in each month.

(2) Modern technology has not been fully utilized to provide programs of readjustment and opportunity.

(3) A disproportionate number of Vietnam veterans are not satisfactorily resettling into civilian life for the following reasons:

(a) Deescalation of the war has made it difficult for returning veterans to obtain jobs.

(b) Public sentiment concerning the Vietnam War is inconsistent with patriotic feelings toward returning veterans of former wars, making the Vietnam veteran feel as if he and his fellow servicemen have made unnecessary or unappreciated sacrifices, thereby further widening the gap between the veteran and civilians.

(c) Vietnam veterans differ from past war veterans in that 50 percent are under 24 years of age at the time of discharge and the proportion of partially disabled, disabled, severely maimed and disfigured, and psychologically and emotionally disoriented veterans is higher in the Vietnam War than other American wars.

(d) The development of more rapid and efficient discharge procedures, coupled with modern military airlift capabilities, has greatly reduced the time span between overseas combat stations and stateside points of separation into civilian life.

(e) Until recently, the federal draft system had taken large numbers of our young men who were least able to successfully return to civilian life because these men, often school dropouts, high school graduates who didn't go on to college, and minority persons, had not had a chance to establish themselves before they were drafted.

(f) There is a need for more coordinated, ongoing definitive programs of readjustment and opportunity for the returning Vietnam veteran.

661. There is hereby created in state government the Extraordinary Commission on the Vietnam Veteran.

662 The commission shall consist of nine members appointed as follows: one member from the California Veterans Board, four public members appointed by the Governor, two of whom shall be Vietnam veterans, four members of the Legislature of whom two shall be appointed by the Speaker of the Assembly and two by the Senate Rules Committee.

The Members of the Legislature shall join in and exercise all rights and powers of the commission insofar as it does not conflict with the duties of the legislators For purposes of this chapter, such four Members of the Legislature shall constitute a joint interim legislative committee on the subject of this chapter and shall have all the powers and duties imposed upon such committees by the Joint Rules of the Senate and the Assembly.

The members of the commission shall serve without compensation but shall be entitled to their actual necessary expenses incurred in the performance of their duties.

663. The commission shall:

(a) Determine the kinds and magnitude of problems facing Vietnam veterans.

(b) Identify and evaluate existing public and private services available to Vietnam veterans and make recommendations for improved and needed services to meet the problems of Vietnam veterans upon their return to civilian status.

(c) Recommend how the private sector can become involved on a coequal basis with government in solving problems facing the Vietnam veteran.

(d) Formulate and implement a comprehensive Vietnam Veteran Program for California including, but not limited to education, vocational training, rehabilitation, counseling, job training, and appropriate medical treatment such as psychological-psychiatric services and physical therapy programs.

664. In furtherance of the purposes of this division, the commission shall:

(a) Appoint an executive director who shall implement policies and programs of the commission and who may, with the prior approval of the commission, appoint other persons to the staff of the commission.

(b) Receive and disperse, with the approval of the Department of Finance, federal, state or local funds.

(c) Contract for services when necessary to carry out its powers and duties.

(d) Hold public hearings.

(e) Appoint such advisory groups as may be necessary to carry out its powers and duties

(f) Call upon and reimburse for services any state agency or department for assistance in carrying out its objectives.

(g) Exercise such other powers as may be necessary to carry out the purposes of this chapter

665. The commission shall be funded by federal or private funds, or both, if and when they are available

SEC 2. Division 3 5 (commencing with Section 660) of the Military and Veterans Code, as enacted by Section 1 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 1329

An act to amend Sections 3201 and 17680 of the Education Code, relating to school district reorganization.

[Approved by Governor September 17, 1970. Filed with Secretary of State September 17, 1970.]

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

SECTION 1. Section 3201 of the Education Code is amended to read:

3201. Each county committee shall study the school district organization of the county and shall, under the direction of the State Board of Education, formulate plans and recommendations for the unification or other reorganization of the school districts in the county or any portion thereof including, if necessary, a portion of one or more adjacent counties. The county committee may formulate plans and recommendations for the formation of a unified district comprising less than a high school district as an intermediate step to the unification of territory of the high school district, provided that all such plans and recommendations meet the requirements of Section 3100. It shall transmit the final plans and recommendations to the State Board of Education.

SEC. 2. Section 17680 of the Education Code is amended to read:

17680. For the purpose of apportionments during a fiscal year as specified in Section 17702.2, and fiscal years thereafter, the Superintendent of Public Instruction shall compute an areawide foundation program for all of the elementary school districts, and an areawide foundation program for all of the high school districts, included within a master plan formulated under Chapter 9 of Division 5, or plans and recommendations formulated under Chapter 10 of Division 5,

except such districts as are included in plans and recommendations, meeting the requirements of Section 3100, for the formation of a unified district as an intermediate step to further unification which have been approved by the electors, which were disapproved at an election held within the territory involved on the question of whether such master plan or plans and recommendations should be put into effect. An areawide foundation program shall be computed for the elementary school districts only if there were two or more elementary school districts included within such master plan or plans and recommendations, and shall be computed for the high school districts only if there were two or more high school districts included within such master plans and plans and recommendations. The areawide foundation program in each instance shall be the total of the foundation programs computed under Article 2 (commencing with Section 17651) and Article 2.1 (commencing with Section 17671) of this chapter for elementary school districts and high school districts.

CHAPTER 1330

An act to amend Sections 5015, 5016, 5017, and 9261 of the Vehicle Code, relating to snowmobiles, and making an appropriation therefor.

[Approved by Governor September 17, 1970. Filed with Secretary of State September 17, 1970.]

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

SECTION 1. Section 5015 of the Vehicle Code is amended to read:

5015. (a) The application for an identification plate for special construction, special mobile, and cemetery equipment shall be made before any such piece of equipment is moved over a highway.

(b) (1) An identification plate shall be issued for a snowmobile before such snowmobile may be operated on a highway or public or private property.

(2) Every identification card issued for a snowmobile on or after January 1, 1971, shall expire at midnight on the 31st day of December of the even-numbered next following the date of issuance.

(3) Any person owning a snowmobile with an identification plate issued before January 1, 1971, is not required to renew its identification plate before January 1, 1973.

(4) Application for the renewal of an identification card and plate for a snowmobile shall be made by the owner between January 1st and midnight of February 4th succeeding the expiration date.

SEC. 2. Section 5016 of the Vehicle Code is amended to read:

5016. (a) Upon proper application and payment of the fees specified in Section 9261, the department shall issue an identification plate and an identification card for the piece of equipment or vehicle for which application is made.

(b) The identification plate issued by the department for snowmobiles may be a plate or any other device as determined suitable by the department. The size, color, and letters or numbers of the plate or device shall be determined by the department.

SEC. 3. Section 5017 of the Vehicle Code is amended to read:

5017. (a) Each identification plate issued under Section 5016 shall bear a distinctive number to identify the equipment for which it is issued The owner, upon being issued a plate, shall attach it to the equipment for which it is issued and shall carry the identification card issued by the department as provided by Section 4454. It shall be unlawful for any person to attach or use the plate upon any other equipment or vehicle. If the equipment is destroyed or the ownership thereof transferred to another person, the person to whom the plate was issued shall first remove the plate and, within 10 days after removing the plate, return it to the department, together with a notice, on a form approved by the department, that the equipment has been destroyed or the ownership thereof transferred to another person.

(b) In addition to the requirements of subdivision (a), the owner of a snowmobile, upon being issued a plate or device, shall attach it to, and maintain it in a clear, legible manner on, the front of the handlebars on the upper part of the machine.

SEC. 4. Section 9261 of the Vehicle Code is amended to read:

9261. (a) 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.

(b) In addition to the service fee specified in subdivision (a), on and after January 1, 1971, a special fee of five dollars ($5) shall be paid at the time of payment of the service fee for the issuance or renewal of an identification plate for a snowmobile pursuant to subdivision (a). All fees received by the department pursuant to this subdivision shall be deposited in the Snowmobile Trust Fund which is hereby created. All money in the fund is continuously appropriated for expenditure by the Department of Parks and Recreation in carrying out a program of planning development, maintenance, administration, conservation of trails and areas for the safe use of snowmobiles Publicly owned snowmobiles are exempt from the provisions of this subdivision.

CHAPTER 1331

An act to amend Sections 8553 and 8576 of the Education Code, relating to courses of study.

[Approved by Governor September 17, 1970. Filed with Secretary of State September 17, 1970.]

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

SECTION 1. Section 8553 of the Education Code is amended to read:

8553. Instruction in social sciences shall include the early history of California and a study of the role and contributions of American Negroes, American Indians, Mexicans, persons of oriental extraction, and other ethnic groups to the economic, political, and social development of California and the United States of America.

SEC. 2. Section 8576 of the Education Code is amended to read:

8576. Instruction in social sciences shall include the early history of California and a study of the role and contributions of American Negroes, American Indians, Mexicans, persons of oriental extraction, and other ethnic groups to the economic, political, and social development of California and the United States of America.

CHAPTER 1332

An act relating to an educational program on drug abuse.

[Approved by Governor September 17, 1970. Filed with Secretary of State September 17, 1970.]

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

SECTION 1. It is the intent of the Legislature in enacting this chapter to establish a pilot program in public secondary schools for instruction on the subject of drug education with the objective of alleviating the abusive use of tobacco, alcohol, narcotics, dangerous drugs, and other dangerous substances by young Californians.

It is the further intent of the Legislature that the full potential for effective teaching by peer groups be utilized in this pilot project by forming "drug task forces" comprised of well-trained youths to provide instruction on drug education in formal and informal instructional settings in each of the target schools.

It is the further intent of the Legislature that the Regents of the University of California shall administer this pilot program. The pilot program shall be coordinated with the drug abuse information project conducted by the regents pursuant to Section 210 of the Health and Safety Code.

It is the further intent of the Legislature that the School of Education at the University of California at Berkeley participate in the development of the pilot program and that the target schools, to the extent feasible, be selected within the vicinity of the University of California at Berkeley.

SEC 2. The Regents of the University of California shall be responsible for developing the Pilot Program on Drug Education. The regents shall be responsible for the following:

(a) Appointing a director responsible for administering the pilot program and maintaining liaison with local school officials.

(b) Identifying up to 10 public secondary schools to participate in the pilot program and facilitating the program with the local schools.

(c) Appointing an advisory committee which shall include representatives from the fields of psychology, sociology, education, pharmacology, public health, medicine, social welfare, and law enforcement to provide the advice and assistance needed to insure the successful operation of the program This advisory committee shall also include representative students.

(d) Identifying and selecting a group of youths at each target school as "drug task forces" to provide advice and instruction on drug education to their peers.

(e) Developing in-service training programs and workshops designed to train the drug task forces, teachers and project participants on drug education and the effects of the abusive use of narcotics, dangerous drugs, and other dangerous substances.

(f) Developing formal and informal instructional environments conducive to assisting peer group instruction.

(g) Developing a central resource bureau to provide a variety of educational materials to the target schools and developing target school resource centers to purchase and organize materials on drug education, such as books, films, and pamphlets for classroom and individual use.

(h) Evaluating the results of the pilot project on drug education to determine (1) the reasons for drug usage and (2) the effectiveness of the pilot project in helping students to understand and deal with drug usage.

SEC. 3. The Regents of the University of California shall submit a report to the Legislature by the fifth calendar day of the 1972 Regular Session of the Legislature, evaluating the effectiveness of the program

SEC. 4. School districts are encouraged to undertake cooperative arrangements with the University of California for the purposes of this act.

SEC. 5 The Regents of the University of California shall have final authority with regard to the expenditure of funds appropriated for the purposes of this chapter.

CHAPTER 1333

An act to add Title 1.7 (commencing with Section 1790) to Part 4 of Division 3 of the Civil Code, relating to consumer goods transactions.

[Approved by Governor September 17, 1970. Filed with Secretary of State September 17, 1970.]

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

SECTION 1. Title 1.7 (commencing with Section 1790) is added to Part 4 of Division 3 of the Civil Code, to read:

TITLE 1.7. CONSUMER WARRANTIES

CHAPTER 1. CONSUMER WARRANTY PROTECTION

Article 1. General Provisions

1790. This chapter may be cited as the "Song-Beverly Consumer Warranty Act."

1790.1. Any waiver by the buyer of consumer goods of the provisions of this chapter, except as expressly provided in this chapter, shall be deemed contrary to public policy and shall be unenforceable and void.

1790.2. If any provision of this chapter or the application thereof to any person or circumstance is held unconstitutional, 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.

1790.3 The provisions of this chapter shall not affect the rights and obligations of parties determined by reference to the Commercial Code except that, where the provisions of the Commercial Code conflict with the rights guaranteed to buyers of consumer goods under the provisions of this chapter, the provisions of this chapter shall prevail.

Article 2. Definitions

1791. As used in this chapter:

(a) "Consumer goods" means any motor vehicle, machine, appliance, or like product that is used or bought for use primarily for personal, family, or household purposes.

(b) "Buyer" or "retail buyer" means any individual who buys consumer goods from a person engaged in the business of manufacturing, distributing, or selling such goods at retail. As used in this subdivision, "person" means any individual, partnership, corporation, association, or other legal entity which engages in any such business.

(c) "Manufacturer" means any individual, partnership, corporation, association, or other legal relationship which manufactures, assembles, produces, or gathers consumer goods.

(d) "Distributor" means any individual, partnership, corporation, association, or other legal relationship which stands between the manufacturer and the retail seller in purchases, consignments, or contracts for sale of consumer goods.

(e) "Retail seller," "seller," or "retailer" means any individual, partnership, corporation, association, or other legal relationship which engages in the business of selling new goods to retail buyers.

1791.1. As used in this chapter:

(a) "Implied warranty of merchantability" or "implied warranty that goods are merchantable" means that the consumer goods meet each of the following:

(1) Pass without objection in the trade under the contract description.

(2) Are fit for the ordinary purposes for which such goods are used.

(3) Are free from defects of materials or workmanship.

(4) Are adequately contained, packaged, and labeled.

(5) Conform to the promises or affirmations of fact made on the container or label.

(b) "Implied warranty of fitness" means that when the retailer, distributor, or manufacturer has reason to know any particular purpose for which the consumer goods are required, and further, that the buyer is relying on the skill and judgment of the seller to select and furnish suitable goods, then there is an implied warranty that the goods shall be fit for such purpose.

1791.2. (a) "Express warranty" means:

(1) A written statement arising out of a sale to the consumer of a consumer good pursuant to which the manufacturer, distributor, or retailer undertakes to preserve or maintain the utility or performance of the consumer good or provide compensation if there is a failure in utility or performance; or

(2) In the event of any sample or model, that the whole of the goods conforms to such sample or model.

(b) It is not necessary to the creation of an express warranty that formal words such as "warrant" or "guarantee" be used or that a specific intention to make a warranty be present, but an affirmation merely of the value of the goods or a statement purporting to be merely an opinion or commendation of the goods does not create a warranty.

(c) Statements or representations such as expressions of general policy concerning customer satisfaction which are not subject to any limitation do not create an express warranty.

1791.3. As used in this chapter, a sale "as is" or "with all faults" means that the manufacturer, distributor, and retailer disclaim all implied warranties that would otherwise attach to the sale of consumer goods under the provisions of this chapter.

Article 3. Sale Warranties

1792. Unless disclaimed in the manner prescribed by this chapter, every sale or consignment of consumer goods in this state by a manufacturer shall be accompanied by an implied warranty that the goods are merchantable.

1792.1. Every sale or consignment of consumer goods in this state by a manufacturer who has reason to know at the time of the sale or consignment that the goods are required for a particular purpose and that the buyer is relying on the manufacturer's skill or judgment to select or furnish suitable goods shall be accompanied by an implied warranty of fitness.

1792.2. Every sale or consignment of consumer goods in this state made through a retailer or distributor who has reason to know at the time of sale or consignment that the goods are required for a particular purpose and that the buyer is relying on the retailer's or distributor's skill or judgment to select or furnish suitable goods, shall, in lieu of the warranty of the manufacturer under Section 1792.1, be accompanied by an implied warranty that the goods are fit for that purpose.

1792.3. No implied warranty of merchantability and, where applicable, no implied warranty of fitness shall be waived, except in the case of a sale of consumer goods on an "as is" or "with all faults" basis where the provisions of this chapter affecting "as is" or "with all faults" sales are strictly complied with.

1792.4. (a) No sale of consumer goods on an "as is" or "with all faults" basis shall be effective to disclaim the implied warranty of merchantability or, where applicable, the implied warranty of fitness, unless a conspicuous writing is attached to the goods which clearly informs the buyer, prior to the sale, in simple and concise language of each of the following:

(1) The goods are being sold on an "as is" or "with all faults" basis.

(2) The entire risk as to the quality and performance of the goods is with the buyer.

(3) Should the goods prove defective following their purchase, the buyer and not the manufacturer, distributor, or retailer assumes the entire cost of all necessary servicing or repair.

(b) In the event of sale of consumer goods by means of a mail order catalog, the catalog offering such goods shall contain the required writing as to each item so offered in lieu of the requirement of notification prior to the sale.

1792.5. Every sale of consumer goods on an "as is" or "with all faults" basis made in compliance with the provisions of this chapter shall constitute a waiver by the buyer of the implied warranty of merchantability and, where applicable, of the implied warranty of fitness.

1793. Nothing in this chapter shall affect the right of the manufacturer, distributor, or retailer to make express warranties with respect to consumer goods. However, a manu-

facturer, distributor, or retailer, may not, by such express warranties, limit the application of or modify the implied warranties guaranteed by this chapter to the sale of consumer goods.

1793.1. Every manufacturer, distributor, or retailer making express warranties with respect to consumer goods shall fully set forth such warranties in readily understood language and clearly identify the party making such express warranties.

1793.2. (a) Every manufacturer of consumer goods which are sold in this state and for which there exists an express warranty: (1) shall maintain or cause to be maintained in this state sufficient service and repair facilities to carry out the terms of such warranties, or (2) shall be subject to the provisions of Section 1793.5.

(b) Where such service and repair facilities are maintained in this state and service or repair of the goods is necessary because they do not comply with the applicable warranties, service and repair shall be commenced within a reasonable time following receipt of the goods by the manufacturer or its representative in this state. Unless the buyer agrees in writing to the contrary, the goods must be returned, at the manufacturer's expense, in merchantable condition within 30 days. Delay caused by conditions beyond the control of the manufacturer or his representatives shall serve to extend this 30-day requirement. Where such delay arises, delivery of merchantable goods shall be made as soon as possible following termination of the condition giving rise to the delay.

(c) Should the manufacturer be unable to make such return of merchantable goods, he shall either replace the goods or reimburse the buyer in an amount equal to the purchase price paid by the buyer, less that amount directly attributable to use by the buyer prior to discovery of the defect.

1793.3 If the manufacturer making express warranties does not provide service and repair facilities within this state pursuant to subdivision (a) of Section 1793.2, the buyer may follow the course of action prescribed in either subdivision (a) or (b), below, as follows

(a) Return the defective consumer goods to the retail seller thereof for replacement, or for service or repair in accordance with the terms and conditions of the express warranty. Such replacement, service, or repair shall be at the option of the retail seller If the retail seller is unable to replace the defective article with merchantable goods or is unable to effect the service or repair of the goods in accordance with the terms and conditions of the warranty, the retail seller shall reimburse the buyer in an amount equal to the purchase price paid by the buyer, less that amount directly attributable to use by the buyer prior to discovery of the defect.

(b) Return the defective article to any retail seller, within this state, of like goods of the same manufacturer for replacement, or for service or repair in accordance with the terms

and conditions of the express warranty. Such replacement, service, or repair shall be at the option of the retail seller.

1793.4. Where an option is exercised in favor of service and repair under Section 1793 3, such service and repair must be commenced within a reasonable time, and, unless the buyer agrees in writing to the contrary, the goods must be returned in merchantable condition within 30 days. Delay caused by conditions beyond the control of the retail seller or his representatives shall serve to extend this 30-day requirement. Where such delay arises, delivery of merchantable goods shall be made as soon as possible following termination of the condition giving rise to the delay.

1793.5. Every manufacturer making express warranties who does not provide service and repair facilities within this state pursuant to subdivision (a) of Section 1793.2 shall be liable as prescribed in this section to every retail seller of such manufacturer's goods who incurs obligations in giving effect to the express warranties that accompany such manufacturer's consumer goods. The amount of such liability shall be determined as follows:

(a) In the event of replacement, in an amount equal to the actual cost to the retail seller of the replaced goods, plus a reasonable handling charge.

(b) In the event of service and repair, in an amount equal to that which would be received by the retail seller for like service rendered to retail consumers who are not entitled to warranty protection, including actual and reasonable costs of the service and repair, plus a reasonable profit.

(c) In the event of reimbursement under subdivision (a) of Section 1793.3, in an amount equal to that reimbursed to the buyer, plus a reasonable handling charge.

1794. Any buyer of consumer goods injured by a willful violation of the provisions of this chapter 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.

1794.1. Any retail seller of consumer goods injured by the willful or repeated violation of the provisions of this chapter 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.

1794 2. The triple damages provisions of this chapter shall not apply to a cause of action commenced or maintained pursuant to Section 382 of the Code of Civil Procedure.

1794.3. The provisions of this chapter shall not apply to any defect in consumer goods caused by the unauthorized or unreasonable use of the goods following sale.

1794.4. Nothing in this chapter shall be construed to prevent the sale of a service contract to the buyer in addition to or in lieu of an express warranty if such contract fully and conspicuously discloses in simple and readily understood language the terms and conditions.

1794.5. The provisions of this chapter shall not preclude a manufacturer making express warranties from suggesting methods of effecting service and repair, in accordance with the terms and conditions of the express warranties, other than those required by this chapter.

1795. If express warranties are made by persons other than the manufacturer of the goods, the obligation of the person making such warranties shall be the same as that imposed on the manufacturer under this chapter.

SEC. 2. This act shall apply to consumer goods sold on or after March 1, 1971. However, Sections 1792 to 1793.1 of the Civil Code, inclusive, enacted by Section 1 of this act, shall only apply to consumer goods manufactured on or after March 1, 1971.

SEC. 3. Section 1794.2 is added to Article 3 (commencing with Section 1792) of Chapter 1 of Title 1.7 of Part 4 of Division 3 of the Civil Code, as enacted by Section 1 of this act, to read:

1794.2 The triple damages provisions of this chapter shall not apply to a cause of action commenced or maintained pursuant to Section 382 of the Code of Civil Procedure or pursuant to Section 1780 or 1781 of this code.

SEC. 4 Section 3 of this act shall become operative only if Assembly Bill No. 292 of the 1970 Regular Session is enacted and adds Sections 1780 and 1781 to the Civil Code as part of Title 1.5 (commencing with Section 1750) of Part 4 of Division 3 of such code, and in such case shall become operative on March 1, 1971 or at the same time as such sections and title become operative, whichever is later, at which time Section 1794.2 of the Civil Code as added by Section 1 of this act is repealed.

CHAPTER 1334

An act relating to the attendance of pupils in school districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 17, 1970. Filed with Secretary of State September 17, 1970.]

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

SECTION 1. Notwithstanding Section 5103 of the Education Code, the San Francisco Unified School District may maintain one or more of its elementary schools for a length of time of up to seven days less than the other elementary schools of the district if the purpose of such action is to permit the implementation of an educational program which requires an unusual amount of curriculum planning by the certificated personnel of the district.

SEC. 2. The Legislature hereby finds and declares that the special nature of the educational program undertaken in the

San Francisco Unified School District requires this special act and that a general law could not therefore be made applicable.

It is further declared to be the specific intent of the Legislature that this act apply retroactively and so validate acts which occurred during the 1969–1970 school year.

SEC. 3. This act shall have no force or effect after January 1, 1971.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the revisions made by this act may be operative for as much of the 1970–1971 fiscal year as possible, and so permit the revised computation of the average daily attendance of the San Francisco Unified School District for the 1969–1970 school year, thus facilitating the orderly administration thereof, it is necessary that this act take effect immediately.

CHAPTER 1335

An act to add Section 1917 to the Financial Code, relating to bank examinations and reports.

[Approved by Governor September 17, 1970. Filed with Secretary of State September 17, 1970.]

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

SECTION 1. Section 1917 is added to the Financial Code, to read:

1917. (a) When a crime report has been filed with any law enforcement agency in this state, which report involves the fraudulent or other illegal use of bank drafts, checks, or other orders payable upon demand of any bank in this state, and such law enforcement agency requests such bank to produce or deliver copies of records, reports, or account status files in connection with an investigation into such report, no bank, bank officer, or bank agent who produces or delivers such copies shall thereafter be civilly liable to any person for producing or delivering the copies to the law enforcement agency.

(b) The copies so obtained by such law enforcement agency shall be kept strictly confidential and shall be used only for purposes directly related to the investigation or to judicial or administrative proceedings involving the report under which the investigation was undertaken. Disclosure by any employee of such law enforcement agency of any of the copies so obtained for any other purpose or purposes shall be a misdemeanor.

CHAPTER 1336

An act to amend Section 35401 of, and to repeal Section 35417 of, the Vehicle Code, relating to vehicles.

[Approved by Governor September 17, 1970. Filed with Secretary of State September 17, 1970.]

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

SECTION 1. Section 35401 of the Vehicle Code is amended to read:

35401. (a) No combination of vehicles coupled together, including any attachments thereto, shall exceed a total length of 60 feet, except as provided in subdivision (b).

(b) The following combinations of vehicles coupled together, including any attachments thereto, may exceed a total length of 60 feet but may not exceed a total length of 65 feet:

(1) Motortruck and trailer.

(2) Truck tractor, semitrailer and trailer. In this combination of vehicles, a semitrailer equipped with an auxiliary dolly shall be considered a trailer.

(3) A motortruck and semitrailer that meet the following requirements:

The kingpin is not less than two feet to the rear of the center of the rearmost axle of the motortruck, and the distance from the kingpin to the rearmost axle of the semitrailer does not exceed 34 feet.

(4) A motortruck, trailer and forklift truck.

(5) A truck tractor, semitrailer and forklift truck.

(6) A truck tractor and two semitrailers.

(7) A truck tractor, semitrailer and logging dolly.

(8) Motortrucks and truck tractors while being operated in a "driveaway-towaway operation."

(c) Any city or county may, by ordinance, prohibit such combination of vehicles of a total length in excess of 60 feet upon highways under their respective jurisdiction. Such an 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 authorities determine will best serve to give notice of the ordinance.

SEC. 2. Section 35401 of the Vehicle Code is amended to read:

35401. (a) No combination of vehicles coupled together, including any attachments thereto, shall exceed a total length of 60 feet, except as provided in subdivision (b).

(b) The following combinations of vehicles coupled together, including any attachments thereto, may exceed a total length of 60 feet but may not exceed a total length of 65 feet:

(1) Motortruck and trailer.

(2) Truck tractor, semitrailer and trailer. In this combination of vehicles, a semitrailer equipped with an auxiliary dolly shall be considered a trailer.

(3) A motortruck and semitrailer that meet the following requirements:

The pivot point of the semitrailer connection is not less than two feet to the rear of the center of the rearmost axle of the motortruck, and the distance from the pivot point to the rearmost axle of the semitrailer does not exceed 34 feet.

(4) A motortruck, trailer, and forklift truck.

(5) A truck tractor, semitrailer and forklift truck.

(6) A truck tractor and two semitrailers.

(7) A truck tractor, semitrailer and logging dolly.

(8) Motortrucks and truck tractors while being operated in a "driveaway-towaway operation."

(c) Any city or county may, by ordinance, prohibit such combination of vehicles of a total length in excess of 60 feet upon highways under their respective jurisdiction. Such an 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 authorities determine will best serve to give notice of the ordinance.

SEC. 3. Section 35401 of the Vehicle Code is amended to read:

35401. (a) No combination of vehicles coupled together, including any attachments thereto, shall exceed a total length of 60 feet, except as provided in subdivision (b).

(b) The following combinations of vehicles coupled together, including any attachments thereto, may exceed a total length of 60 feet but may not exceed a total length of 65 feet:

(1) Motortruck and trailer or housecar and trailer.

(2) Truck tractor, semitrailer and trailer. In this combination of vehicles, a semitrailer equipped with an auxiliary dolly shall be considered a trailer.

(3) A motortruck and semitrailer or housecar and semitrailer that meet the following requirements:

The kingpin is not less than two feet to the rear of the center of the rearmost axle of the motortruck, and the distance from the kingpin to the rearmost axle of the semitrailer does not exceed 34 feet.

(4) A motortruck, trailer and forklift truck.

(5) A truck tractor, semitrailer and forklift truck.

(6) A truck tractor and two semitrailers.

(7) A truck tractor, semitrailer and logging dolly.

(8) Motortrucks and truck tractors while being operated in a "driveaway-towaway operation."

(c) Any city or county may, by ordinance, prohibit such combination of vehicles of a total length in excess of 60 feet upon highways under their respective jurisdiction. Such an 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 authorities determine will best serve to give notice of the ordinance

SEC. 4. Section 35401 of the Vehicle Code is amended to read:

35401. (a) No combination of vehicles coupled together, including any attachments thereto, shall exceed a total length of 60 feet, except as provided in subdivision (b).

(b) The following combinations of vehicles coupled together, including any attachments thereto, may exceed a total length of 60 feet but may not exceed a total length of 65 feet:

(1) Motortruck and trailer or housecar and trailer.

(2) Truck tractor, semitrailer and trailer. In this combination of vehicles, a semitrailer equipped with an auxiliary dolly shall be considered a trailer.

(3) A motortruck and semitrailer or housecar and semitrailer that meet the following requirements:

The pivot point of the semitrailer connection is not less than two feet to the rear of the center of the rearmost axle of the motortruck, and the distance from the pivot point to the rearmost axle of the semitrailer does not exceed 34 feet.

(4) A motortruck, trailer, and forklift truck.

(5) A truck tractor, semitrailer and forklift truck.

(6) A truck tractor and two semitrailers

(7) A truck tractor, semitrailer and logging dolly.

(8) Motortrucks and truck tractors while being operated in a "driveaway-towaway operation."

(c) Any city or county may, by ordinance, prohibit such combination of vehicles of a total length in excess of 60 feet upon highways under their respective jurisdiction. Such an 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 authorities determine will best serve to give notice of the ordinance.

SEC 5 Section 35417 of the Vehicle Code is repealed.

SEC. 6 It is the intent of the Legislature, if amendments to Section 35401 of the Vehicle Code proposed by both this bill and Assembly Bill No. 674, but not those proposed by Assembly Bill No 753, are enacted, that both amendments be given effect and incorporated in Section 35401 in the form set forth in Section 2 of this act. Therefore, in the event Assembly Bill No. 674 is enacted and amends Section 35401, Section 2 of this act shall become operative at the same time that Section 35401 as amended by Assembly Bill No. 674 becomes operative, and at that time, Section 35401 of the Vehicle Code as amended by Sections 1, 3, and 4 of this act is repealed.

SEC. 7. It is the intent of the Legislature, if amendments to Section 35401 of the Vehicle Code proposed by both this bill and Assembly Bill No. 753, but not those proposed by Assembly Bill No. 674, are enacted, that both amendments be given effect and incorporated in Section 35401 in the form set forth in Section 3 of this act. Therefore, in the event Assembly Bill No. 753 is enacted and amends Section 35401, Section 3 of this act shall become operative at the same time that Section 35401 as amended by Assembly Bill No. 753 becomes operative, and at that time, Section 35401 of the Vehicle Code as amended by Sections 1, 2, and 4 of this act is repealed.

SEC. 8. It is the intent of the Legislature, if amendments to Section 35401 of the Vehicle Code proposed by this bill, Assembly Bill No. 674, and Assembly Bill No. 753 are enacted, that all three amendments be given effect and incorporated in Section 35401 in the form set forth in Section 4 of this act. Therefore, in the event both Assembly Bill No 674 and Assembly Bill No. 753 are enacted and amend Section 35401, Section 4 of this act shall become operative at the same time that Section 35401 as amended by Assembly Bill No 674 and Assembly Bill No. 753 becomes operative, and at that time, Section 35401 of the Vehicle Code as amended by Sections 1, 2, and 3 of this act is repealed.

CHAPTER 1337

An act relating to compensation of county officers, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 17, 1970. Filed with Secretary of State September 17, 1970.]

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

SECTION 1. All laws or parts of laws in force on November 2, 1970, establishing, regulating, or otherwise affecting the salaries or compensation of the members of the governing bodies of counties are continued in force and effect solely as ordinances of the respective counties to which they relate, and may be superseded, modified, or otherwise affected by ordinances adopted in the respective counties and subject to the rights of initiative and referendum as reserved to the electors of the counties.

SEC. 2. This act shall not be operative unless Senate Constitutional Amendment No. 19 as proposed by the 1970 Regular Session of the Legislature is adopted by the people at the general election on November 3, 1970.

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 salaries of members of the governing bodies of counties be continued to be paid in their present amounts in the event that Senate Constitutional Amendment No 19 as proposed by the 1970 Regular Session of the Legislature is adopted by the people at the general election on November 3, 1970, it is necessary that this act go into immediate effect.

CHAPTER 1338

An act to amend Section 7372 of the Business and Professions Code, relating to cosmetology.

[Approved by Governor September 17, 1970. Filed with Secretary of State September 17, 1970.]

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

SECTION 1. Section 7372 of the Business and Professions Code is amended to read:

7372. Examinations for certificates of registration and license as cosmetologists shall include practical demonstrations in shampooing the hair, haircutting, hairdressing, permanent waving, wet hairdressing, water waving, hair coloring, manicuring and facial and scalp massage with the hands. The practical examination shall also include the standard methods for dressing all textures of hair, including thermal hair pressing and curling and chemical straightening. They shall also include either written or oral tests, or both, in antisepsis, sterilization, sanitation, the use of mechanical apparatus and electricity as applicable to the practice of the occupation of a cosmetologist, and the use of chemical hair straighteners. They may include such other demonstrations and tests as the board, in its discretion may require.

The scope of examinations in any other branch of cosmetology shall be such as the board, by regulation, in its discretion, may require.

SEC. 2. This act shall become operative on July 1, 1971.

CHAPTER 1339

An act to add Section 1752.15 to the Welfare and Institutions Code, relating to California Youth Authority, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 17, 1970. Filed with Secretary of State September 17, 1970.]

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

SECTION 1. Section 1752.15 is added to the Welfare and Institutions Code, to read:

1752.15. The director may enter into contracts, with the approval of the Director of Finance, with any county of this state upon request of the board of supervisors thereof, wherein the Department of the Youth Authority agrees to furnish temporary emergency predisposition detention facilities and necessary services incident thereto, for persons under the age of 18 years who are in the custody of the county probation officer pursuant to provisions of Chapter 2 (commencing with Section 500) of Part 1 of Division 2. Facilities of the depart-

ment may be used only on a temporary basis arising from an extraordinary number of arrests incident to a mass disturbance or other incidents when existing juvenile facilities are exhausted They may not be used for the detention of a person described in Section 600 The county shall reimburse the state for the cost of such services, such cost to be determined by the director. The department shall present to the county, not more than once a month, a claim for the amount due the state under this section which the county shall process and pay pursuant to the provisions of Chapter 4 (commencing with Section 29700) of Division 3 of Title 3 of the Government Code.

SEC 2. This act shall remain in effect until the 61st day after the final adjournment of the 1972 Regular Session of the Legislature Thereafter, this act is repealed and shall have no force or effect.

SEC. 3. The Department of the Youth Authority shall report to the Legislature not later than the fifth legislative day of the 1972 Regular Session of the Legislature the extent to which the department has provided facilities and services pursuant to this act.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The fact constituting such necessity are:

The juvenile facilities of the counties are extremely overcrowded and the counties may not be able to provide the facilities and services necessary in the event of a mass disturbance. In order to provide the needed facilities, it is necessary that this act take effect immediately.

CHAPTER 1340

An act to add Section 24214 to the Education Code, relating to the state colleges.

[Approved by Governor September 17, 1970 Filed with Secretary of State September 17, 1970]

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

SECTION 1. Section 24214 is added to the Education Code, to read:

24214. The trustees shall eliminate all policies which detrimentally and unreasonably affect the employment status of females hired by the state colleges. To accomplish this purpose, the trustees shall:

(a) Review hiring, wages, job classifications, and advancement practices as applied to female employees and take corrective measures where inequities exist;

(b) Review selection procedures utilized for employment

of female employees to determine disparate selection practices;

(c) Assure opportunity of advancement for qualified female employees to executive positions within departments and divisions.

SEC. 2. The Trustees of the California State Colleges shall report to the Legislature in January of 1971 on the progress made in implementing the requirements of Section 24214 of the Education Code.

CHAPTER 1341

An act to amend Section 3051 of the Civil Code, to repeal Chapter 6 (commencing with Section 813) of Title 10 of Part 2 of the Code of Civil Procedure, and to amend Section 490 of, to amend the headings of Chapter 2 (commencing with Section 450) of, Article 3 (commencing with Section 490) of Chapter 2 of, and Article 4 (commencing with Section 750) of Chapter 5 of, Division 3 of, to add Sections 406, 495, 495.1, 495.2, 495.3, 495.4, 495.5, 495.6, 495.7, 495.8, 495.9, 496, 497, 754, and 755 to, and to add Article 4 (commencing with Section 500) to Chapter 2 of Division 3 of, the Harbors and Navigation Code, relating to vessels.

[Approved by Governor September 17, 1970. Filed with Secretary of State September 17, 1970.]

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

SECTION 1. Section 3051 of the Civil Code is amended to read:

3051. Every person who, while lawfully in possession of an article of personal property, renders any service to the owner thereof, by labor or skill, employed for the protection, improvement, safekeeping, or carriage thereof, has a special lien thereon, dependent on possession, for the compensation, if any, which is due to him from the owner for such service; a person who makes, alters, or repairs any article of personal property, at the request of the owner, or legal possessor of the property, has a lien on the same for his reasonable charges for the balance due for such work done and materials furnished, and may retain possession of the same until the charges are paid; and livery or boarding or feed stable or feed yard proprietors, and persons pasturing horses or stock, have a lien, dependent on possession, for their compensation in caring for, boarding, feeding, or pasturing such horses or stock; and foundry proprietors and persons conducting a foundry business, have a lien, dependent on possession, upon all patterns in their hands belonging to a customer, for the balance due them from such customers for foundry work; and laundry proprietors and persons conducting a laundry business, and drycleaning establishment proprietors and persons conducting a drycleaning establishment, have a general lien, dependent on possession, upon all personal property in their hands belonging to a customer, for the balance due them from such customer for laun-

dry work, and for the balance due them from such customers for drycleaning work, but nothing in this section shall be construed to confer a lien in favor of a wholesale drycleaner on materials received from a drycleaning establishment proprietor or a person conducting a drycleaning establishment; and veterinary proprietors and veterinary surgeons shall have a lien dependent on possession, for their compensation in caring for, boarding, feeding, and medical treatment of animals; and keepers of garages for automobiles shall have a lien, dependent on possession for their compensation in caring for and safekeeping, and for making repairs and performing any labor upon or furnishing supplies or materials for such automobiles; and keepers of trailer parks shall have a lien, dependent on possession, for their compensation for rental of parking space for trailers, and for such other services as are furnished to the owners or legal possessors of trailers at their request; provided, however, that where the possession of, or lien upon, any automobile or trailer held under a claim of lien hereunder is lost by reason of fraud, trick or device, the repossession of said automobile or trailer by said garage keeper or trailer park keeper shall revive the lien so lost; provided, further, that any lien thus revived shall be subordinate to any sale, lien, encumbrance, right, title or interest in such automobile or trailer acquired or exercised in good faith and for value by any person between the time of loss of possession and the time of repossession.

This section shall have no application to any vessel as defined in Section 21 of the Harbors and Navigation Code.

SEC. 2. Chapter 6 (commencing with Section 813) of Title 10 of Part 2 of the Code of Civil Procedure is repealed.

SEC. 3. Section 406 is added to the Harbors and Navigation Code, to read:

406. Any and all rights and obligations created pursuant to the provisions of Chapter 2 (commencing with Section 450) of this division are subordinate to any superseding federal law.

SEC. 4. The heading of Chapter 2 (commencing with Section 450) of Division 3 of the Harbors and Navigation Code is amended to read:

CHAPTER 2. CIVIL ACTIONS AND LIENS

SEC. 5. The heading of Article 3 (commencing with Section 490) of Chapter 2 of Division 3 of the Harbors and Navigation Code is amended to read:

Article 3. Actions Against Vessels

SEC. 6. Section 490 of the Harbors and Navigation Code is amended to read:

490. Debts amounting to at least fifty dollars ($50), contracted for the benefit of vessels, are liens in the cases provided in Section 491.

Actions for any of the causes specified in Section 491 shall be brought against the owners by name, if known, but if not known, that fact shall be stated in the complaint, and the defendants shall be designated as unknown owners. Other persons having a lien upon the vessel may be made defendants to the action, the nature and amount of such lien being stated in the complaint.

SEC. 7. Section 495 is added to the Harbors and Navigation Code, to read:

495. In any action brought pursuant to the provisions of this chapter, the complaint shall designate the vessel by name, and shall be verified by the oath of the plaintiff, or someone on his behalf.

The summons and copy of the complaint shall be served on the owners if they can be found; otherwise, they may be served on the master, mate, or person having charge of the vessel.

SEC. 8. Section 495.1 is added to the Harbors and Navigation Code, to read:

495.1. The plaintiff, at the time of issuing the summons, or at any time afterwards, may have the vessel, with its tackle, appurtenances, appliances, furnishings, and furniture, attached as security for the satisfaction of any judgment that may be recovered in the action.

SEC. 9. Section 495.2 is added to the Harbors and Navigation Code, to read:

495.2. The clerk of the court shall issue a writ of attachment, on the application of the plaintiff, upon receiving a written undertaking on behalf of the plaintiff, executed by two or more sufficient sureties, to the effect that if the judgment is rendered in favor of the owner of the vessel, he will pay all costs and damages that may be awarded against him, and all damages that may be sustained by him from the attachment, not exceeding the sum specified in the undertaking, which shall in no case be less than five hundred dollars ($500).

SEC. 10. Section 495.3 is added to the Harbors and Navigation Code, to read:

495.3. The writ shall be directed to the sheriff of the county within which the vessel lies, or the marshal or constable of the court, and direct him to attach the vessel, with its tackle, appurtenances, appliances, furnishings, and furniture, and keep the same in his custody until discharged in due course of law.

SEC. 11. Section 495.4 is added to the Harbors and Navigation Code, to read:

495.4. The sheriff, marshal, or constable to whom the writ is directed and delivered shall execute it without delay, and shall attach and keep in his custody the vessel, named therein, with its tackle, appurtenances, appliances, furnishings, and furniture, until discharged in due course of law; but the sheriff, marshal, or constable is not authorized by any such writ to interfere with the discharge of any merchandise on

board of such vessel or with the removal of any trunks or other property of passengers, or of the captain, mate, seamen, steward, cook, or other persons employed on board.

SEC. 12. Section 495.5 is added to the Harbors and Navigation Code, to read:

495.5. The owner, or the master, agent, or consignee of the vessel, may, on behalf of the owner, appear and answer or plead to the action; and may except to the sufficiency of the sureties on the undertaking filed on behalf of the plaintiff, and may require sureties to justify, as upon bail on arrest.

SEC. 13. Section 495.6 is added to the Harbors and Navigation Code, to read:

495.6. After the attachment is levied, the owner, or the master, agent, or consignee of the vessel, may, in behalf of the owner, have the attachment discharged, upon giving to the sheriff, marshal, or constable an undertaking of at least two sufficient sureties in an amount sufficient to satisfy the demand in the suit, besides costs, or depositing that amount with the sheriff, marshal, or constable. Upon receiving such undertaking or amount, the sheriff, marshal, or constable shall restore to the owner, or the master, agent, or consignee of the owner, the vessel attached.

SEC. 14. Section 495.7 is added to the Harbors and Navigation Code, to read:

495.7. After the appearance in the action of the owner, the attachment may, on motion, also be discharged in the same manner, and on like terms and conditions, as attachments in other cases, subject to the provisions of Section 495.9.

SEC. 15. Section 495.8 is added to the Harbors and Navigation Code, to read:

495.8. If the attachment is not discharged, and a judgment is recovered in the action in favor of the plaintiff, and an execution is issued thereon, the sheriff, marshal, or constable shall sell at public auction, after publication of notice pursuant to Section 6062 of the Government Code, the vessel, with its tackle, appurtenances, appliances, furnishings, and furniture, or such interest therein as may be necessary, and shall apply the proceeds of the sale as follows:

(a) When the action is brought for demands other than the wages of mariners, boatmen, and others employed in the service of the vessel sold, to the payment of the amount of such wages, as specified in the execution.

(b) To the payment of the judgment and costs, including his fees.

The sheriff, marshal, or constable shall pay any balance remaining to the owner, or to the master, agent, or consignee who may have appeared on behalf of the owner, or if there is no appearance, then into court, subject to the claim of any party or parties legally entitled thereto.

SEC. 16. Section 495.9 is added to the Harbors and Navigation Code, to read:

495.9. Any mariner, boatman, or other person employed in the service of the vessel attached, who may wish to assert his claim for wages against the vessel, the attachments being issued for other demands than such wages, may file an affidavit of his claim, setting forth the amount and the particular service rendered, with the clerk of the court; and thereafter no attachment can be discharged upon filing an undertaking, unless the amount of such claim, or the amount determined as provided in Section 496, is covered thereby, in addition to the other requirements; and any execution issued against such vessel, upon judgment recovered thereafter shall direct the application of the proceeds of any sale:

(a) To the payment of the amount of such claims filed, or the amount determined, as provided in Section 496, which amount the clerk shall insert in the writ.

(b) To the payment of the judgment and costs, and sheriff's, marshal's, or constable's fees, and shall direct the payment of any balance to the owner, master, or consignee, who may have appeared in the action; but if no appearance by them is made therein, it shall direct a deposit of the balance in court.

SEC 17. Section 496 is added to the Harbors and Navigation Code, to read:

496. If the claim of the mariner, boatman, or other person filed with the clerk of the court, as provided in Section 495.9, is not contested within five days after notice of the filing thereof by the owner, master, agent, or consignee of the vessel against which the claim is filed, or by any creditor, it shall be deemed admitted; but if contested, the clerk shall indorse upon the affidavit thereof a statement that it is contested, and the grounds of the contest, and shall immediately thereafter order the matter to a single referee for his determination, or he may hear the proofs and determine the matter himself The determination of the clerk or referee may be reviewed by a court in which the action is pending or a judge thereof immediately after such determination is made, and the judgment of the court or judge is final. On the review the court or judge may use the minutes of the evidence taken by the clerk or referee, or may take the evidence anew.

SEC. 18. Section 497 is added to the Harbors and Navigation Code, to read:

497. The notice of sale published by the sheriff, marshal, or constable must contain a statement of the measurement and tonnage of the vessel and a general description of her condition.

SEC. 19. Article 4 (commencing with Section 500) is added to Chapter 2 of Division 3 of the Harbors and Navigation Code, to read:

Article 4. Possessory Liens

500. The possessory vessel lien procedures prescribed by the provisions of this article shall supersede any local ordinance

and shall provide the exclusive means of enforcing such liens.

501. (a) Every person has a lien dependent upon possession for the compensation to which he is legally entitled for making repairs or performing labor upon, and furnishing supplies or materials for, and for the storage, repair or safekeeping of, and for costs incurred in the mooring, berthage, wharfage, and anchorage of, and for the rental of trailer parking space for, any vessel subject to registration with the Department of Motor Vehicles, subject of the limitations set forth in this article.

(b) That portion of the lien in excess of three hundred dollars ($300) for any work or services, or in excess of two hundred dollars ($200) for any storage or safekeeping, rendered or performed at the request of any person other than the holder of the legal title, is invalid, unless prior to commencing any such work or service the person claiming the lien gives actual notice in writing, either by personal service or by registered letter, to the legal owner and registered owner, named in the certificate of ownership, and the consent of the holder of the legal title is obtained before any such work or services are performed. If any portion of a lien includes charges for the care, storage or safekeeping of, or costs incurred in the mooring, berthage, wharfage, and anchorage of, or for the rental of trailer parking space for, a vessel for a period in excess of 60 days the portion of the lien which accrued after the expiration of such period is invalid unless the provisions of Sections 754 and 755 have been complied with by the holder of the lien.

501.5. Any lien provided for in this article, for labor or materials, or for storage or safekeeping of a vessel when abandoned on private property may be assigned by written instrument accompanied by delivery of possession of the vessel, subject to the lien, and the assignee may exercise the rights of a lienholder as provided in this article. Any lienholder assigning a lien as authorized herein shall at the time of assigning the lien give written notice of the assignment either by personal delivery or by registered or certified mail, to the registered and legal owner, including the name and address of the person to whom the lien is assigned.

502. Whenever the lien upon any such vessel is lost by reason of the loss of possession through trick, fraud, or device, the repossession of the vessel by the lienholder revives the lien but any lien so revived is subordinate to any right, title or interest of any person under any sale, transfer, encumbrance, lien or other interest acquired or secured in good faith and for value between the time of the loss of possession and the time of repossession.

502.5. If the lienholder is not paid the amount due and for which the lien is given, within 10 days after such amount becomes due, the lienholder may proceed to sell the property, or so much thereof as may be necessary to satisfy the lien and costs of sale at public auction.

503. Prior to any such sale the lienholder shall give at least 10 days but not more than 20 days notice of the sale by advertising for one issue in some newspaper of general circulation published in the county in which the property is situated. If there is no newspaper printed in such county, notice shall be given by posting notice of sale in three of the most public places in the town or place where the property is to be sold, for 10 days previous to the date of the sale. Prior to the sale of any vessel to satisfy any such lien, 20 days notice by registered mail or certified mail, return receipt requested, shall be given to the legal owner and to the registered owner of the vessel, if registered in this state, as the same appear in the certificate of ownership, and also to the Department of Motor Vehicles by registered mail or certified mail whether or not the vessel is registered in this state.

The Department of Motor Vehicles shall in like manner immediately notify the legal owner and the registered owner of the proposed sale, but failure on the part of the department to give such notice shall not affect the validity of the sale. All notices required in this article shall specify the builder, and builder's hull number, if available, of the vessel, and the date, time, and place of the sale The proceeds of the sale shall be applied to the discharge of the lien and the cost of keeping and selling the property. The remainder, if any, shall be paid to the legal owner, if any, or to the owner if there is no legal owner.

503.5. When the lienholder can certify under penalty of perjury that the value of the vessel subject to the lien does not exceed two hundred dollars ($200), the lienholder may sell such vessel at public sale, upon the giving of notice as provided in this section. At least 10 days before the sale, the lienholder shall notify the legal owner, the registered owner, and the Department of Motor Vehicles by registered mail or certified mail, return receipt requested, certified mail, or United States Post Office certificate of mailing, of the time and place of the sale. At least 10 days before the sale, the lienholder shall also post a notice of the sale in a conspicuous place on the premises where the vessel is stored, giving the date of the sale and a description of the vessel, including the builder and builder's hull number.

504. Within 20 days after the sale of any vessel under the authority of Section 502.5, the legal owner may redeem such vessel upon the payment of the amount of all costs and expenses of the sale, together with interest on such sum at the rate of 12 percent per annum from the due date thereof or the date when the amount was advanced until the repayment.

This section shall not be applicable to vessels sold under the authority of Section 503.5.

505. It is a misdemeanor for any person to obtain possession of any vessel or any part thereof subject to a lien under this article through surreptitious removal or by trick, fraud, or device perpetrated upon the lienholder.

SEC. 20. The heading of Article 4 (commencing with Section 750) of Chapter 5 of Division 3 of the Harbors and Navigation Code is amended to read:

Article 4. Stored or Stolen Vessels

SEC. 21. Section 754 is added to the Harbors and Navigation Code, to read:

754. (a) Every keeper of a storage facility shall keep a written record of every vessel subject to registration with the Department of Motor Vehicles which is stored therein for compensation for a period longer than 12 hours.

(b) The record shall contain the name and address of the person storing the same and a brief description of the vessel including its builder and builder's hull number.

(c) All records shall be open to inspection by any peace officer.

SEC. 22. Section 755 is added to the Harbors and Navigation Code, to read:

755. Whenever any vessel subject to registration under this code has been stored in a facility for storage or repair for 30 days, the keeper shall report such fact to the Department of Motor Vehicles either in person or by registered or certified mail, which shall at once notify the legal owner as of the record. This section shall not apply to any vessel stored by a peace officer.

CHAPTER 1342

An act to amend Section 25642 of the Government Code, relating to county fire protection.

[Approved by Governor September 17, 1970. Filed with Secretary of State September 17, 1970.]

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

SECTION 1. Section 25642 of the Government Code is amended to read:

25642. The board of supervisors may appropriate in any one year such sum of money as the board of supervisors deems necessary for the purpose of providing fire protection.

CHAPTER 1343

An act to add Section 13220.24 to the Education Code, relating to community colleges, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 17, 1970. Filed with Secretary of State September 17, 1970.]

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

SECTION 1. Section 13220.24 is added to the Education Code, to read:

13220.24. The Board of Governors of the California Community Colleges may issue a community college instructor credential, supervisor credential, librarian credential, counselor credential, and student personnel worker credential to any person who has partially fulfilled the minimum requirements for the particular credential on the condition that such person completely fulfill such requirements within a reasonable period of time. The Board of Governors of the California Community Colleges may by rule establish the requirements for granting a credential under this section and establish the period of time within which the requirements for the credential must be completely fulfilled.

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 effective administration of the California Community Colleges requires that the credential scheme established by Chapter 961 of the Statutes of 1969 be completed and effective for the hiring of community college personnel for the fall of 1970. In order to accomplish such purpose it is necessary that this act go into effect immediately.

CHAPTER 1344

An act to amend Sections 1132, 1132.5, 1140, 1141, 1142, 1144, 1145, 1148, 1154, 1303, 1304, 1307, 1323, 1342, 1343, 1345, 1356, 1421, 1422, 1442, 1442.3, 1443, 1461, 1462, 1463, and 1464 of, and to repeal Sections 1305, 1309, 1310, 1311, 1312, 1313, 1337, 1338, 1351, 1353, 1354, 1382, 1383, 1384, 1384.5, 1385, 1386, and 1444 of, to repeal Article 8 (commencing with Section 1401) and Article 9 (commencing with Section 1411) of Chapter 6 of Division 4 of, the Education Code, relating to school elections.

[Approved by Governor September 17, 1970. Filed with Secretary of State September 17, 1970.]

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

SEC. 1.1. Section 1132 of the Education Code is amended to read:

1132. A petition demanding the recall of any governing board member shall be filed for verification of signatures with the county clerk. If more than one governing board member is sought to be recalled, separate petitions shall be filed for each member sought to be recalled.

Before any signatures are obtained to a recall petition, a copy of the text of the petition shall be filed with the county clerk of the county designated on the paper, and the recall proceedings shall be deemed to be pending from the date of such filing.

SEC. 1.2. Section 1132.5 of the Education Code is amended to read:

1132.5. Any voter who has signed a petition demanding the recall of any school district governing board member shall have his signature withdrawn from the petition upon filing a written request therefore with the appropriate county clerk designated on the paper prior to the day the recall petition is filed.

SEC. 1.3. Section 1140 of the Education Code is amended to read:

1140. The signatures to the recall petition shall be verified as follows:

(a) If the school district is wholly in one county, the county clerk shall examine the signatures and from the records of registration ascertain whether or not the petition is signed by the requisite number of registered voters and shall attach to it his certificate showing the results of his examination.

(b) If the school district is situated in more than one county, each county clerk shall examine the signatures and from the records of registration ascertain the number of signatures of registered voters in the portion of the district lying in his county and shall attach to the papers his certificate showing the results of his examination and also showing the total number of registered voters in the portion of the district lying in his county.

SEC. 1.4. Section 1141 of the Education Code is amended to read:

1141. If the number of signatures is not sufficient, a supplemental petition, in form a duplicate of the original petition, but bearing additional signatures, may be filed with the appropriate county clerk within 10 days from the date on which the county clerk certified the results of his examination. The county clerk shall examine and certify the supplemental petition. If the signatures to the petition are still insufficient, no action shall be taken thereon. The petition shall remain on file as a public record, and the failure to secure sufficient signatures shall not prejudice the filing later of an entirely new petition to the same effect.

SEC. 1.5. Section 1142 of the Education Code is amended to read:

1142. If the county clerk finds the petition, together with supplementary petitions, if any, sufficient he shall at once notify the school district governing board who shall call a special election to be held in the district within not less than 60 nor more than 75 days after the date of the call, to determine whether the voters will recall the governing board member. If a regular election for the election of members of

the governing board of the district is to occur not less than 60 nor more than 75 days from the date of the call for the special election, the governing board may, in its discretion, order the holding of the special election at the time the regular election is held.

SEC. 1.6. Section 1144 of the Education Code is amended to read:

1144. Except as provided in this article, the recall election shall be held and conducted by the county clerk in substantially the same manner as elections held under Article 2 of this chapter and under Chapter 6 of this division.

SEC. 1.7. Section 1145 of the Education Code is amended to read:

1145. Recall elections of two or more governing board members may be consolidated.

SEC. 1.8. Section 1148 of the Education Code is amended to read:

1148. The county clerk shall mail to each registered voter within the district a sample ballot on which there shall be printed in not more than 200 words the statement of the grounds on which the recall is sought set forth in the recall petition. Upon the same ballot there shall also be printed, in not more than 200 words, any statement submitted by the member sought to be recalled justifying his course in office.

SEC. 1.9. Section 1154 of the Education Code is amended to read:

1154. The inspector of the election shall deliver the returns to the county clerk. At the time and place fixed in the notice of the election, the county clerk shall publicly canvass the returns and declare the results. If a majority of the votes cast favor the recall of the member, the county clerk shall declare the candidate who has received the highest number of votes for the office elected for the remainder of the term and shall issue a certificate of election to him. If the elected candidate fails to qualify within 10 days after receiving the certificate of election, the office shall become vacant and shall be filled as provided in Article 4 of this chapter.

SEC. 1.10. Section 1303 of the Education Code is amended to read:

1303. The duties of the county superintendent of schools having jurisdiction of a school district election shall be:

(a) To call elections when ordered under the provisions of this code.

(b) To consolidate school district elections.

(c) To prepare recommendations, statements, or arguments for any election in which they are required, as provided in this code.

(d) To receive petitions as authorized by this code.

SEC. 2. Section 1304 of the Education Code is amended to read:

1304. The county clerk or the registrar of voters, if such office has been established in the county, shall perform the

duties incident to the preparation for, and holding of, all school district elections.

In districts situated in two or more counties, or in elections to organize or reorganize districts in territory situated in two or more counties, the county clerks, or the registrars of voters in the counties in which any part of the school district territory is situated, shall, by mutual agreement, provide for the performance of such duties.

SEC. 3. Section 1305 of the Education Code is repealed.

SEC. 4. Section 1307 of the Education Code is amended to read:

1307. The duties of the governing board of any school district with respect to school district elections shall be:

(a) To order elections as authorized by this code.

(b) To resolve tie votes in governing board member elections.

SEC. 5. Section 1309 of the Education Code is repealed.

SEC. 6. Section 1310 of the Education Code is repealed.

SEC. 7. Section 1311 of the Education Code is repealed.

SEC. 8. Section 1312 of the Education Code is repealed.

SEC. 9. Section 1313 of the Education Code is repealed.

SEC. 10. Section 1323 of the Education Code is amended to read:

1323. Whenever an election is ordered, the governing board of the district or the board or officer authorized by this code to make such designations shall, concurrently with or after the order of election but not less than 80 days prior to the date set for the election, by resolution delivered to the county superintendent of schools specify the following, or such of the following as he or it may have authority to designate:

(a) The date of the election.

(b) The purpose of the election.

The resolution or resolutions shall be known as "specifications of the election order" and shall set forth the authority for ordering the election, the authority for the specification of the election order and the signature of the officer or the clerk of the board by law authorized to make the designations therein contained.

SEC. 11. Section 1337 of the Education Code is repealed.

SEC. 12. Section 1338 of the Education Code is repealed.

SEC. 13. Section 1342 of the Education Code is amended to read:

1342. The formal notice of election for any school district election shall be prepared by the county superintendent of schools and shall contain the following:

(a) The date of the election.

(b) The purpose of the election.

SEC. 14. Section 1343 of the Education Code is amended to read:

1343. As an alternative to publication by newspaper pursuant to Section 1344, publication of formal notice may be effected pursuant to this section. Not later than 20 days prior

to the date of any school district election the county superintendent of schools having jurisdiction shall cause to be posted the formal notice of the election in public view at:

(a) Every schoolhouse in the territory, district or districts in which the election is to be held.

(b) At three public places in the territory, district or districts.

SEC. 15. Section 1345 of the Education Code is amended to read:

1345. In the case of any school district election called or conducted under the provisions of this code, except as hereafter provided in this section, the county clerk, or the registrar of voters if such office has been established, of the county in which the majority of the territory of the district is located, shall, at the time provided in the Elections Code for the mailing of sample ballots for a statewide primary election, mail to each registered voter residing within the district, a sample ballot and a card designating the polling place and time of the election.

As used in this section, the word "card" means a card or other notice, as determined by the officer charged with the duty of mailing the same to the voters.

SEC. 16. Section 1351 of the Education Code is repealed.

SEC. 17. Section 1353 of the Education Code is repealed.

SEC. 17.3. Section 1354 of the Education Code is repealed.

SEC. 17.5. Section 1356 of the Education Code is amended to read:

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

SEC. 18. Section 1382 of the Education Code is repealed.

SEC. 19. Section 1383 of the Education Code is repealed.

SEC. 20. Section 1384 of the Education Code is repealed.

SEC. 21. Section 1384.5 of the Education Code is repealed.

SEC. 22. Section 1385 of the Education Code is repealed.

SEC. 23. Section 1386 of the Education Code is repealed.

SEC. 24. Article 8 (commencing with Sec. 1401) of Chapter 6 of Division 4 of the Education Code is repealed.

SEC. 25. Article 9 (commencing with Sec. 1411) of Chapter 6 of Division 4 of the Education Code is repealed.

SEC. 26. Section 1421 of the Education Code is amended to read:

1421. The cost of any school district election may include, but need not be limited to:

(a) Compensation of precinct election officers.

(b) Publication of notices.

(c) The cost of printing official ballots, sample ballots, indexes, arguments, statements, official notices, and card notices.

(d) Mailing charges for card notices, arguments, recommendations, statements, and sample ballots.

(e) Forms for rosters, tally sheets, certificates, envelopes, declaration of results forms, and legal forms required for bond elections.

(f) Precinct maps.

(g) The actual cost of supplies such as flags, ballot boxes, chairs and tables, booths, ink pads and stamps, and pencils; provided, that if any such can be borrowed from any state or county office, no charge for rental shall be included in the cost of elections.

SEC. 27. Section 1422 of the Education Code is amended to read:

1422. The cost of any election held within a single district shall be borne by the entire district, and shall be paid out of its funds. Election costs shall be determined by the county clerk or registrar of voters and approved by the county board of supervisors.

SEC. 28. Section 1442 of the Education Code is amended to read:

1442. The returns of any school district election received by the county clerk or registrar of voters having jurisdiction shall, after the date of the declaration and certification of the final results of the election, be disposed of as follows:

(a) The sealed envelope containing the voted ballots, including ballots rejected for improper markings, shall be kept by the county superintendent unopened and unaltered for six months. If a contest or criminal prosecution is not commenced within the six-months' period as provided in Division 11 of the Elections Code, he shall destroy the envelope, or have it destroyed, without its being opened or its contents examined. This paragraph also applies to absent ballots and identification envelopes.

(b) The envelope containing spoiled, canceled, and defaced unused ballots shall remain unopened in the custody of the county superintendent and shall be held and disposed of as is the envelope provided for in paragraph (a) of this section.

(c) The envelope containing the tally sheet, challenge sheet, challenge list, assisted voter list, and affidavits of election officers assisting voters, shall be disposed of in the same manner, but the contents of this envelope may be made available to voters for inspection at any time following commencement of the official canvass of votes.

SEC. 29. Section 1442.3 of the Education Code is amended to read:

1442.3. If any voter by affidavit filed with the county clerk or registrar of voters shows facts sufficient reasonably to justify the belief that the vote of any precinct has not been correctly counted to the extent that a recount would change the result of the election, he may appear on the day and at the place fixed for the county clerk or registrar of voters to canvass the returns and demand a recount of the vote of the precinct that is claimed to have been incorrectly counted.

This section shall apply to school district elections of any type or class.

SEC. 30. Section 1443 of the Education Code is amended to read:

1443. Notwithstanding any other provision of this code, the county clerk or registrar of voters conducting any school election shall not be required to provide more than one ballot to the same voter for the purpose of voting on separate propositions at the same election. However, no voter shall be presented with a ballot containing a proposition on which he is not entitled to vote by virtue of not residing within the district or area affected by the proposition.

SEC. 31. Section 1444 of the Education Code is repealed.

SEC. 32. Section 1461 of the Education Code is amended to read:

1461. The governing board of the district or any member or members of the board authorized by the board, or any individual voter or bona fide association of citizens, or any combination of such voters and associations may file a written argument for or against any school measure. No argument shall exceed 300 words in length. The person conducting the election shall cause an argument for and an argument against the measure to be printed, and shall transmit the arguments to the voters with the card giving notice of the election.

SEC. 33. Section 1462 of the Education Code is amended to read:

1462. Based on the time reasonably necessary to prepare and print the arguments, the person conducting the election shall fix and determine a reasonable date prior to the election after which no arguments for or against any school measure may be submitted to him for printing and distribution to the voters. Notice of the date fixed shall be published pursuant to Section 6061 of the Government Code. Arguments may be changed until and including the date fixed by the person conducting the election.

SEC. 34. Section 1463 of the Education Code is amended to read:

1463. If more than one argument for or more than one argument against any school measure is submitted to the person conducting the election within the time prescribed, the person conducting the election shall select one of the arguments in favor and one of the arguments against the measure for printing and distribution to the voters. In selecting the arguments the person conducting the election shall give pref-

erence and priority in the order named to the arguments of the following:

(a) The governing board of the district or member or members of the board authorized by the board.

(b) Bona fide associations of citizens.

(c) Individual voters.

SEC. 35. Section 1464 of the Education Code is amended to read:

1464. If the county superintendent of schools finds that any argument to be printed pursuant to Section 1461 contains an erroneous statistical fact or facts, he shall submit a statement of statistical facts concerning the school measure, which can be readily ascertained from the records of the county, school district, or Department of Education. The county superintendent of schools shall notify the person conducting the election, and he shall cause such statement to be printed and distributed with the argument for and the argument against the measure and the card giving notice of the election.

CHAPTER 1345

An act to amend Section 12021 of the Penal Code, relating to firearms, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 17, 1970. Filed with Secretary of State September 17, 1970.]

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

SECTION 1. Section 12021 of the Penal Code is amended to read:

12021. (a) Any person who is not a citizen of the United States and any person who has been convicted of a felony under the laws of the United States, of the State of California, or any other state, government, or country, or who is addicted to the use of any narcotic drug, who owns or has in his possession or under his custody or control any pistol, revolver, or other firearm capable of being concealed upon the person is guilty of a public offense, and shall be punishable by imprisonment in the state prison not exceeding 15 years, or in a county jail not exceeding one year or by a fine not exceeding five hundred dollars ($500), or by both.

(b) Subdivision (a) shall not apply to a person who has been convicted of a felony under the laws of the United States unless:

(1) Conviction of a like offense under California law can only result in imposition of felony punishment; or

(2) The defendant was sentenced to a federal correctional facility for more than 30 days, or received a fine of more than one thousand dollars ($1,000), or received both such punishments.

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:

Persons are being prevented from exercising rights possessed by others with respect to owning and possessing firearms because they were convicted of federal crimes which resulted only in imposition of light punishment. In order that such persons can again exercise these rights as soon as possible, it is necessary that this act go into effect immediately.

CHAPTER 1346

An act to amend Section 101 of the Streets and Highways Code, relating to bridges.

[Approved by Governor September 17, 1970. Filed with Secretary of State September 17, 1970.]

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

SECTION 1. Section 101 of the Streets and Highways Code is amended to read:

101. (a) The department shall keep in repair all objects or markers adjacent to a state highway which have been erected to mark registered historical places and shall keep such markers free from vegetation which may obscure them from view.

(b) When the Legislature, by concurrent resolution, has designated names for certain districts and state highway bridges, and requested the placing of name plaques at the boundaries of the districts or on the bridges, the department is authorized to expend reasonable sums for such plaques.

(c) Any major bridge not previously named by the Legislature may be named by the Legislature, by concurrent resolution, for a serviceman killed in action who was a resident of the county in which the bridge is located. The name shall be selected from names submitted to the department by veterans' associations as defined by Section 1260 of the Military and Veterans Code.

CHAPTER 1347

An act to amend Section 39052 of the Health and Safety Code, relating to air pollution, and making an appropriation therefor.

[Approved by Governor September 17, 1970. Filed with Secretary of State September 17, 1970.]

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. If the board finds, after public hearing, that any rule or regulation of a local or regional authority submitted to it will not achieve applicable air quality standards, it may repeal such rule or regulation and promulgate a rule or regulation which it finds would achieve such standards. Such rule or regulation shall have the same force and effect as a rule or regulation adopted by the local or regional authority, and shall be enforced by the local or regional authority.

(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.

(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.

(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.

(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 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 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. If the board finds, after public hearing, that any rule or regulation of a local or regional authority submitted to it will not achieve applicable air quality standards, it may repeal such rule or regulation and promulgate a rule or regulation which it finds would achieve such standards. Such rule or regulation shall have the same force and effect as a rule or regulation adopted by the local or regional authority, and shall be enforced by the local or regional authority.

(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.

(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.

(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.

(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 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. The board may revise any test procedures which it has adopted when the development and improvement of testing techniques and testing instruments warrants such revision in the judgment of the board. If the board revises such test procedures, it may establish revised emission standards for new motor vehicles which standards shall be applicable when such revised test procedures are used in testing vehicles. The revised standards may be expressed in terms and numerical values other than the terms and numerical values prescribed by, but shall not be less stringent than the standards prescribed by, Article 2 (commencing with Section 39100) of Chapter 4 of this part.

(*l*) Adopt regulations specifying the manner in which used motor vehicles shall be accredited based upon their emissions.

(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. 3. There is hereby appropriated from the General Fund to the State Air Resources Board the sum of eighty thousand dollars ($80,000) to carry out the purposes of subdivision (f) of Section 39052 of the Health and Safety Code, as amended by this act.

SEC. 4. 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. 77 are enacted, that both amendments be given effect and incorporated in Section 39052 in the form set forth in Section 2 of this act. Therefore, in the event A.B. 77 is enacted and amends Section 39052, Section 2 of this act shall become operative at the same time that Section 39052 as amended by A.B. 77 becomes operative, and at that time, Section 39052 of the Health and Safety Code as amended by Section 1 of this act is repealed.

CHAPTER 1348

An act to add Title 1.5 (commencing with Section 1750) to Part 4 of Division 3 of the Civil Code, relating to credit.

[Approved by Governor September 17, 1970. Filed with Secretary of State September 17, 1970.]

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

SECTION 1. Title 1.5 (commencing with Section 1750) is added to Part 4 of Division 3 of the Civil Code, to read:

TITLE 1.5. CONSUMER CREDIT REPORTING

1750. This title shall be known and may be cited as the Consumer Credit Reporting Act.

1751. For the purposes of this title:

(a) "Applicant" means a natural person who has made application to a creditor for extension of credit for personal, family or household purposes rather than as a business.

(b) "Reporter" means a person, partnership, or corporation which for compensation provides a customer, other than a commercial creditor as defined in this title, with credit information or credit rating upon an applicant.

(c) "Commercial creditor" means a person or entity which extends credit for purposes other than personal, family or household purposes.

(d) "Creditor" means a person or entity which extends credit for personal, family or household purposes.

(e) "Credit rating report" means any written or oral report, recommendation, or representation prepared by a reporter as to the credit record, standing, or capacity of any applicant to pay an obligation.

1752. (a) A reporter shall, upon request and proper identification of any applicant, clearly and accurately disclose to the applicant:

(1) The nature and substance of all information in its files on the applicant at the time of request.

(2) The sources of the information.

(3) The creditors to whom the reporter has furnished reports within the six-month period preceding the request.

(b) A reporter shall provide trained personnel to explain to the applicant any information furnished to him pursuant to this section.

(c) The applicant shall be permitted to be accompanied by one other person of his choosing, who shall furnish reasonable identification. A reporter may require the applicant to furnish a written statement granting permission to the reporter to discuss the record of the applicant as maintained by the reporter in such other person's presence.

1753. (a) A reporter shall make the disclosures required under Section 1752 during normal business hours and on reasonable notice.

(b) The disclosures required under Section 1752 shall be made to the applicant:

(1) In person if he appears in person and furnishes proper identification; or

(2) By telephone if he has made a written request therefor, and provides proper identification for telephone disclosure and the toll charge, if any, for the telephone call is prepaid by or charged directly to the applicant; or

(3) By an explanation in writing on payment by the applicant of a fee equal to the charge made by the reporter to any nonsubscriber, provided the reporter's credit rating report was responsible, in whole or in part, for the applicant being denied credit.

1754. Whenever an applicant is denied credit or the charge for credit is increased, either wholly or partly because of information from a reporter, the creditor shall notify the applicant of the identity of the reporter provided that a written request is received from the applicant within 60 days of the applicant's learning of such action.

1755. (a) If the completeness or accuracy of any item of information contained in the reporter's records is disputed by the applicant, and such dispute is directly conveyed to the reporter by the applicant, the reporter shall within a reasonable period of time reinvestigate and record the current status of that information unless it has reasonable grounds to believe that the dispute by the applicant is frivolous or irrelevant. If

after such reinvestigation such information is found to be inaccurate or can no longer be verified, the reporter shall promptly delete such information.

(b) If the reinvestigation does not resolve the dispute, the applicant may file a brief statement setting forth the nature of the dispute. The reporter may limit such statements to not more than 100 words if it provides the applicant with assistance in writing a clear summary of the dispute.

(c) Whenever a statement of a dispute is filed, unless there is reasonable grounds to believe that it is frivolous or irrelevant, the reporter shall, in any subsequent credit rating report containing the information in question, clearly note that it is disputed by the applicant and provide either the applicant's statement or a clear and accurate codification or summary thereof.

(d) Following any deletion of information which is found to be inaccurate or whose accuracy can no longer be verified or any notation as to disputed information, the reporter shall, at the request of the applicant, furnish notification that the item has been deleted or the statement, codification or summary pursuant to subdivision (b) or (c) to any creditor specifically designated by the applicant who has within six months prior thereto received a report for credit purposes which contained the deleted or disputed information. The reporter shall disclose to the applicant his rights to make such a request. Such disclosure shall be made at or prior to the time the information is deleted or the applicant's statement regarding the disputed information is received.

1756. If the credit rating report or memorandum relates only to the applicant's ability to pay, his habit of payment, and his general credit standing, or any of these subjects, any untrue allegation of fact contained in such report, except a willful misrepresentation, shall not be grounds for any civil action or criminal prosecution.

1757. This title does not apply to any credit rating report which by its terms is limited to disclosures from public records relating to land and land titles, and does not apply to any reporter whose records and files are maintained for the primary purpose of reporting those portions of the public records which impart constructive notice under the law of matters relating to land and land titles.

CHAPTER 1349

An act to amend Section 23756 of, and to add Section 23755.1 to, the Education Code, relating to residency requirements for students.

[Approved by Governor September 17, 1970. Filed with Secretary of State September 17, 1970.]

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

SECTION 1. Section 23755.1 is added to the Education Code, to read:

23755.1. Any person who is a bona fide resident of the State of California and whose spouse is in the active military service of the United States of America but is stationed outside the continental limits of the United States on the residence determination date shall, for the purposes of Sections 23604 to 23607, inclusive, Sections 23751 to 23803, inclusive, Sections 24051 to 24102, inclusive, and Sections 24451 to 24453, inclusive, be deemed to be a resident of this state for the term for which such person is registering. Any admission fee or rate of tuition required of such person shall not exceed the amount required of a resident student enrolled in the same courses as such person.

Section 23756 of the Education Code is amended to read:

23756. "A resident student" means any person who has been a bona fide resident of the state for more than one year immediately preceding the residence determination date.

The residence of each student shall be determined in accordance with the rules for determining residence prescribed by Sections 243 and 244 of the Government Code. The residence of an unmarried minor who has a parent living cannot be changed by either his own act or that of his guardian, except that:

(a) Where immediately prior to enrolling in any California institution of higher learning, (1) the minor child of a nonresident has lived with and been in the continuous direct care and control of any person or persons other than a parent for a period of not less than two years, or (2) the minor child of a person who was a resident of the state in the preceding year has lived with and been in the continuous direct care and control of any person or persons other than a parent for a period of not less than one year, the residence of the minor child is the residence of the person, or persons having such care and control after the expiration of the two-year period or one-year period, as the case may be. As used in this subdivision, "California institution of higher learning" means any public or private university, college, or junior college in the state.

(b) Any person who qualifies for residence status under subdivision (a) of this section or under Sections 243 and 244 of the Government Code shall not lose such residence status by virtue of his marriage to a nonresident who lives in California nor shall such person be required to reestablish residency upon reaching his or her majority.

(c) Any minor child, a citizen of the United States, or any alien, who is a minor child, who has been lawfully admitted to the United States for permanent residence in accordance with all applicable provisions of the laws of the United States, who for a period of more than one year

immediately preceding the residence determination date has lived with his mother, who is living apart from his father, and has been for a period of more than one year immediately preceding the residence determination date present in the state with the intention of making her permanent home therein, is a resident student.

(d) Any person whose residence is derived from a parent and who loses California residence by reason of a change of residence by such parent, shall be considered a resident student for tuition purposes for a period of one year following such change of residence by his parent, provided that such parent was a bona fide resident of California for at least one year immediately preceding such change of residence from California.

(e) Any minor child who has lived continuously in the state for more than 10 years immediately preceding the residence determination date shall be deemed a "resident student" notwithstanding the place of abode or residence of either living parent or guardian of the minor child.

(f) Any person who has been deemed to be a resident student for tuition purposes pursuant to Section 23755 shall not lose such resident status because of the departure of the parent from the state pursuant to military orders, nor shall such person be required to reestablish residency upon marriage or upon reaching his majority.

(g) Any person who has been deemed to be a resident student pursuant to this section shall not lose such resident status because of temporary business transfer of his parent, nor shall such person be required to reestablish residency upon marriage or upon reaching his or her majority. Business transfers shall be determined temporary if the parent who normally determines residence under Sections 243 and 244 of the Government Code maintains his voting eligibility within the state.

CHAPTER 1350

An act to add Section 21646 to the Public Utilities Code, relating to airport obstructions.

[Approved by Governor September 17, 1970. Filed with Secretary of State September 17, 1970.]

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

SECTION 1. Section 21646 is added to the Public Utilities Code, to read:

21646. It shall be a misdemeanor for any person to release or fly or cause to be released or flown, within five miles of any airport, any moored balloon, kite, unmanned rocket, or unmanned free balloon which might be ingested by an aircraft engine or might cause a pilot's view of the airport and zone approach to be obstructed, or which could be used to suspend an object capable of endangering airborne aircraft or impairing a pilot's vision.

CHAPTER 1351

An act to add Section 11301.6 to the Education Code, relating to average daily attendance.

[Approved by Governor September 17, 1970 Filed with Secretary of State September 17, 1970.]

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

SECTION 1. Section 11301.6 is added to the Education Code, to read:

11301.6. The governing board of a school district which has fewer than 40 pupils enrolled in kindergarten classes may make application to the Superintendent of Public Instruction requesting approval to maintain two kindergarten classes of 150 minutes each inclusive of recesses on the same day which are taught by the same teacher. The average daily attendance for such classes shall be adjusted by a multiplication factor of 0.500.

SEC. 2. This act shall become effective only if Senate Bill No. 381, amending Section 11301 of the Education Code, is enacted at the 1970 Regular Session of the Legislature.

Such approval may include waiver of the provisions of the Education Code Section 17507.5. The superintendent may grant such waiver when he has made a determination that failure to do so would cause extreme hardship to the school district.

CHAPTER 1352

An act making an appropriation for the establishment of a branch office of the Department of Motor Vehicles in the Simi Valley-Thousand Oaks area in Ventura County.

[Approved by Governor September 17, 1970 Filed with Secretary of State September 17, 1970]

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

SECTION 1. The sum of seventy-five thousand dollars ($75,000) is hereby appropriated from the Motor Vehicle Fund to the Department of Motor Vehicles for the establishment of a branch office in the Simi Valley-Thousand Oaks area in Ventura County.

CHAPTER 1353

An act to amend Sections 15710 and 15711 of, to add Sections 15701.5 and 15708.5 to, and to repeal Section 15715 of, the Education Code, relating to leasing of school buildings.

[Approved by Governor September 17, 1970 Filed with Secretary of State September 17, 1970.]

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

SECTION 1. Section 15701.5 is added to the Education Code, to read:

15701.5. As used in this article (commencing at Section 15701), "lease or agreement" shall include a lease purchase agreement.

SEC. 1.1. Section 15708.5 is added to the Education Code, to read:

15708.5. An election held pursuant to Section 15708 shall be held in conjunction with either a statewide primary or general election.

SEC. 1.5. Section 15710 of the Education Code is amended to read:

15710. If, at the election held pursuant to Section 15708, a majority of the electors voting on the proposition vote "Yes," the governing board may proceed pursuant to this article (commencing at Section 15701).

SEC. 2. Section 15711 of the Education Code is amended to read:

15711. If the governing board of the district fails to enter into a lease pursuant to this article (commencing at Section 15701) within three years after the result of an election, held pursuant to Section 15708, at which a majority of the votes cast favors the proposition submitted, the authorization for an increase in the maximum tax rate shall become void.

SEC. 3. Section 15715 of the Education Code is repealed.

CHAPTER 1354

An act to amend Section 24370.1 of the Health and Safety Code, relating to the Bay Area Air Pollution Control District.

[Approved by Governor September 17, 1970. Filed with Secretary of State September 17, 1970.]

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

SECTION 1. Section 24370.1 of the Health and Safety Code is amended to read:

24370.1. Before the first day of September of each year the board shall estimate and determine the amount of money required by the district for purposes of the district during the ensuing fiscal year and shall apportion this amount to the counties included within the district, one-half according to the relative assessed value of property on the secured roll of each county within the district as determined by the board and one-half in the proportion that the population of each county bears to the total population of the district. For the purposes of this section the board shall base its determination of the population of the several counties on the latest official information

available to it. The total amount of money required by the district to be apportioned to the counties included within the district for district purposes during the 1971–1972 and 1972–1973 fiscal years shall not exceed two cents ($0.02) on each one hundred dollars ($100) of the assessed value of all the property included within the district. In each fiscal year thereafter, the total amount of money required by the district to be apportioned to the counties included within the district for district purposes shall not exceed one cent and three mills ($0.013) on each one hundred dollars ($100) of the assessed value of all the property included within the district.

SEC. 2. The Bay Area Air Pollution Control District shall report to the Legislature not later than the 30th legislative day of the 1972 Regular Session of the Legislature all its activities relating to its income and expenditures, including, but not limited to, revenue derived from inspection and permit fees.

CHAPTER 1355

An act to add Section 27491.25 to the Government Code, and to add Section 7303 to the Health and Safety Code, relating to blood tests.

[Approved by Governor September 17, 1970 Filed with Secretary of State September 17, 1970.]

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

SECTION 1. Section 27491.25 is added to the Government Code, to read:

27491.25. The coroner, or his appointed deputy, on being notified of a death occurring while the deceased was driving or riding in a motor vehicle, or as a result of the deceased being struck by a motor vehicle, shall take a blood sample from the body of the deceased before it has been prepared for burial and make appropriate related chemical tests to determine the alcoholic and barbituric acid derivative contents, if any, of the body.

The detailed medical findings, resulting from such an examination, shall either be reduced to writing or permanently preserved on recording discs or other similar recording media and shall include all positive and negative findings pertinent to the presence or absence of any alcoholic or barbituric acid derivative content.

This section shall not apply to the testing of deceased persons under the age of 15 years, unless the surrounding circumstances indicate the possibility of alcoholic or barbituric acid derivative consumption, nor shall it apply when the death has occurred more than 24 hours after the accident.

SEC. 2. Section 7303 is added to the Health and Safety Code, to read:

7303. No embalmer shall embalm a dead human body when he has information reasonably indicating the death has occurred while the deceased was driving or riding in a motor vehicle, or as a result of the deceased being struck by a motor vehicle, until permission of the coroner, his appointed deputy coroner, or a judge in the county, if there is no coroner, has been obtained.

CHAPTER 1356

An act to add Sections 17061 and 19268 to the Revenue and Taxation Code and to amend Sections 1176, 3009, 3012, 3014 and 3266 of the Unemployment Insurance Code, relating to unemployment disability insurance.

[Approved by Governor September 17, 1970. Filed with Secretary of State September 17, 1970.]

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

SECTION 1. Section 17061 is added to the Revenue and Taxation Code, to read:

17061. In the case of a person entitled to a refund pursuant to Section 1176 of the Unemployment Insurance Code, there shall be a credit against the tax imposed under this part in the amount of such refund. If the tax due after deduction of any other credit under this part is less than the credit allowable pursuant to this section, the difference shall be a tax refund.

SEC. 2. Section 19268 is added to the Revenue and Taxation Code, to read:

19268. The Franchise Tax Board shall transmit to the Director of the Department of Human Resources Development claims for credit or refund made pursuant to Section 17061 of this code and subdivision (b) of Section 1176 of the Unemployment Insurance Code.

SEC. 3. Section 1176 of the Unemployment Insurance Code is amended to read:

1176. (a) If, by reason of an employee receiving wages from more than one employer during any calendar year after December 31, 1970, the wages received by him during such year exceed the remuneration upon which contributions are payable under Section 985, and the sum of the amount of tax imposed by Section 984 plus the amount of contributions under Section 3260 deducted from such wages exceeds the amount required under this division, the employee is entitled to a refund or credit of the amount of the excess.

(b) Refunds and credits under this section shall be claimed pursuant to Section 17061 of the Revenue and Taxation Code on the personal income tax return of the claimant for the year in which the wages in excess of the applicable limitation are received. No interest shall be allowed or paid with respect to such refund or credit.

(c) The director shall in accordance with Section 3266 recover from voluntary plans the aggregate amount of such refunds and credits made during any calendar year which is applicable to voluntary plans.

(d) The director shall transfer from the Disability Fund to the General Fund an amount equal to the credits and refunds reported by the Franchise Tax Board under Section 19268 of the Revenue and Taxation Code.

SEC. 4. Section 3009 of the Unemployment Insurance Code is amended to read:

3009. Refunds, credits, or judgments, and interest thereon, payable for contributions erroneously collected under Sections 984 and 985 subsequent to May 21, 1946, may be paid from the Disability Fund on warrants issued by the Controller under the direction of the director.

SEC. 5. Section 3012 of the Unemployment Insurance Code is amended to read:

3012. (a) All money in the Disability Fund is continuously appropriated without regard to fiscal years for the purpose of providing disability benefits pursuant to this part, including the payment of refunds, credits, or judgments, and interest thereon, the payment of disability benefits to all eligible persons not covered exclusively by an approved voluntary plan, and the payment of the expenses of administration of this part by the Department of Human Resources Development and the Franchise Tax Board. "Eligible persons" as used in this section, means those individuals who are covered by the Disability Fund at the time their period of disability commences, or whose employment has terminated or who are in noncovered employment at the time their period of disability commences, and who are otherwise eligible for benefits under this part.

(b) For the purpose of keeping a record of the payments to, and the disbursements from, the Disability Fund with respect to the payment of benefits to persons whose employment has terminated or who are in noncovered employment at the time their period of disability commences, the director shall maintain the Unemployed Disabled Account in the Disability Fund. This account shall be credited with the amount of the payments received by the Disability Fund under subdivision (b) of Section 3252 for each calendar year. This account shall also be credited with an amount equal to twelve one-hundredths of 1 percent (0.12%) of the taxable wages paid to employees covered by the Disability Fund for each calendar year. This account shall be charged each calendar year with disbursements from the Disability Fund for the payment of benefits and the additional administrative costs of the payment of benefits to persons whose employment has terminated or who are in noncovered employment at the time their period of disability commences.

SEC. 6. Section 3014 of the Unemployment Insurance Code is amended to read:

3014. Withdrawals by the director from the Disability Fund for the payment of refunds, credits, or judgments and the payment of disability benefits are exempted from the operation of Section 925.6 of the Government Code.

SEC. 7. Section 3266 of the Unemployment Insurance Code is amended to read:

3266. The director shall in accordance with authorized regulations determine the portion of the aggregate amount of refunds and credits to employees made under Section 1176 during any calendar year which is applicable to voluntary plans for which deductions were made under Section 3260, such determination to be based upon the relation during the preceding calendar year of the amount of wages subject to contributions to the Disability Fund to the amount of wages exempt from contributions to the Disability Fund under Section 3252. The director shall in accordance with authorized regulations prorate such aggregate amount among the applicable voluntary plans and shall assess and recover from the employer or the insurer if the insurer has indemnified the employer with respect thereto, the amount so prorated. The provisions of Article 8 (commencing with Section 1126) of Chapter 4 of Part 1 of this division with respect to the assessment of contributions and the provisions of Chapter 7 (commencing with Section 1701) of Part 1 of this division with respect to the collection of contributions shall apply to the recovery of amounts under this section. Amounts so collected shall be deposited in the Disability Fund.

SEC. 8. The provisions of this act shall become operative January 1, 1972 if a system of payroll withholding has been enacted during 1970. In the event that a system of payroll withholding is not enacted during 1970, but is enacted in 1971, then the operative date of this act shall be January 1, 1973. If no system of payroll withholding is enacted prior to 1972, the provisions of this act shall be inoperative.

SEC. 9. All administrative costs pursuant to this act shall be charged to the Unemployment Compensation Disability Fund.

CHAPTER 1357

An act to amend Sections 1601 and 1602 of, and to add Sections 1601.5, 1602.5 and 1603 to, the Fish and Game Code and to add Sections 14258, 25452.5, and 37903.5 to the Government Code, relating to gravel beds.

[Approved by Governor September 17, 1970. Filed with Secretary of State September 17, 1970.]

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

SECTION 1. Section 1601 of the Fish and Game Code is amended to read:

1601. Except as hereinafter provided, general plans sufficient to indicate the nature of a project for construction by,

or on behalf of, any governmental agency, state or local, and any public utility, of any project which will divert, obstruct or change the natural flow or bed of any river, stream or lake designated by the department, or will use material from the streambeds designated by the department, shall be submitted to the department. When an existing fish or game resource may be substantially adversely affected by such construction, the department will propose reasonable modifications in the proposed construction as would allow for the protection and continuance of the fish or game resource, including procedures to review the operation of such protective measures. Such proposals shall be submitted within 30 days of receipt of such plans, with the provision that this time may be extended by mutual agreement. The department shall notify the affected parties that it shall make onsite investigation of the proposed construction and shall make such investigation before it proposes any modifications.

Within 14 days of receipt of the department's proposals, the affected agency shall notify the department in writing as to the acceptability of the proposals, except that this time may be extended by mutual agreement. If such proposals are not acceptable to the affected agency, then that agency shall so notify the department. Within seven days a panel of arbitrators shall be established composed of one representative of the department, one representative of the affected agency, and a third person mutually agreed upon, or if no agreement can be reached, the third person shall be appointed in the manner provided by Section 1281.6 of the Code of Civil Procedure. The third person shall act as panel chairman. The panel shall have power to settle disagreements and make binding decisions regarding such fish and game modifications. Such arbitration shall be completed within 14 days from the day that the composition of the panel is established, unless the time is extended by mutual agreement. Expenses of the department representative are to be borne by the department; expenses of the representative of the governmental agency, state or local, or the public utility are to be borne by the governmental agency, state or local, or the public utility; expenses of the chairman are to be paid one-half by each party.

Agencies proposing projects affected by this section shall not commence such operations until the department's proposals, or the decisions of a panel of arbitrators, have been incorporated into such projects.

The department shall determine and specify types of work, methods of performance or remedial measures which shall be exempt from the operation of this section.

SEC. 1.5. Section 1601.5 is added to the Fish and Game Code, to read:

1601.5. In addition to the provisions of Section 1601, the department, following submission of the modifications referred to in Section 1601, shall by mutual agreement with any state agency proposing such project, establish such procedures that

the parties deem necessary to provide adequate review of the proposed modifications and consideration of alternative conditions designed to protect existing fish and game resources. If no agreement can be reached between the department and the state agency proposing the project, the procedures for arbitration specified in Section 1601 shall then apply.

SEC. 2. Section 1602 of the Fish and Game Code is amended to read:

1602. Any person who substantially diverts or obstructs the natural flow or substantially changes the bed, channel or bank of any river, stream or lake, or uses any material from the streambeds, shall notify the department of such operations, except when the department has been notified pursuant to Section 1601. The department within 30 days of receipt of such notice, or within the time determined by mutual written agreement, shall, when an existing fish or game resource may be substantially adversely affected by such operations, submit to the person its proposals as to measures necessary to protect fish and wildlife. The department shall notify the affected parties that it shall make onsite investigation of the operation and shall make such investigation before it shall propose any measure necessary to protect the fish and wildlife.

Within 14 days of receipt of the department's proposals, the affected person shall notify the department in writing as to the acceptability of the proposals, except that this time may be extended by mutual agreement. If such proposals are not acceptable to the affected person, then that person shall so notify the department. Within seven days a panel of arbitrators shall be established composed of one representative of the department, one representative of the affected person, and a third person mutually agreed upon, or if no agreement can be reached, the third person shall be appointed in the manner provided by Section 1281.6 of the Code of Civil Procedure. The third person shall act as panel chairman. The panel shall have power to settle disagreements and make binding decisions regarding fish and game modifications. Such arbitration shall be completed within 14 days from the day that the composition of the panel is established, unless the time is extended by mutual agreement. Expenses of the department representative are to be borne by the department, expenses of the representative of the person who diverts or obstructs the natural flow or changes the bed of any river, stream or lake, or uses any material from the streambeds shall be borne by such person; expenses of the chairman are to be paid one-half by each party.

Persons proposing operations affected by this section shall not commence such operations until the department's proposals, or the decisions of a panel of arbitrators, have been incorporated into such projects.

SEC. 2.5. Section 1602.5 is added to the Fish and Game Code, to read:

1602.5. Any party affected by a decision made by an arbitration panel pursuant to Section 1601 or 1602 may petition a court of competent jurisdiction for confirmation, correction, or vacation of the decision in accordance with the provisions of Chapter 4 (commencing with Section 1285) of Title 9 of Part 3 of the Code of Civil Procedure.

SEC. 3. Section 1603 is added to the Fish and Game Code, to read:

1603. Any governmental agency, state or local, which intends to specify any location of possible construction material such as borrow pits or gravel beds, for the use in any construction project undertaken on its behalf which would be subject to this chapter, shall include in any notice inviting bids, any modifications or conditions established pursuant to Section 1601 of this code.

SEC. 4. Section 14258 is added to the Government Code, to read:

14258. Any notice inviting bids on a project which specifies locations of possible materials, such as a borrow pit or gravel bed, for use in the proposed project which would be subject to Section 1601 or 1602 of the Fish and Game Code shall include any conditions or modifications established pursuant to Section 1601.

SEC. 5. Section 25452.5 is added to the Government Code, to read:

25452.5. Any notice inviting bids which specifies locations of possible materials, such as a borrow pit or gravel bed, for use in the proposed construction project which would be subject to Section 1601 or 1602 of the Fish and Game Code shall include any conditions or modifications established pursuant to Section 1601.

SEC. 6. Section 37903.5 is added to the Government Code, to read:

37903.5. Any notice inviting bids, which specifies locations of possible materials, such as a borrow pit or gravel bed, for use in the proposed construction project which would be subject to Section 1601 or 1602 of the Fish and Game Code shall include any conditions or modifications established pursuant to Section 1601.

SEC. 7. The provisions of this act shall remain in effect until the 61st day after the final adjournment of the 1972 Regular Session of the Legislature, and shall have no force and effect after that date.

CHAPTER 1358

An act to amend Section 6301 of the Business and Professions Code, relating to law library trustees.

[Approved by Governor September 17, 1970. Filed with Secretary of State September 17, 1970.]

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

SECTION 1. Section 6301 of the Business and Professions Code is amended to read:

6301. A board of law library trustees is constituted as follows:

(a) In a county where there are no more than three judges of the superior court, each of such judges is ex officio a trustee; in a county where there are more than three judges of the superior court, the judges of the court shall elect three of their number to serve as trustees. However, where there are no more than three judges of the superior court, the judges may at their option select only one of their number to serve as a trustee, and in such event they shall appoint two additional trustees who are members of the bar of the county.

Any judge who is an ex officio or elected member may at his option designate a member of the bar of the county to act for him as trustee.

(b) In a county in which one or two municipal courts have been established, the judges of such court or courts shall elect one of their number to serve as trustee. In a county in which three or more municipal courts have been established, the judges of such courts may elect two of their number to serve as trustees.

(c) The chairman of the board of supervisors is ex officio a trustee, but the board of supervisors at the request of the chairman may appoint a member of the bar of the county or any other member of the board of supervisors of the county to serve as trustee in place of said chairman. The appointment of the person selected in lieu of the chairman of the board of supervisors shall expire when a new chairman of the board of supervisors is selected, and such appointment shall not be subject to the provisions of Section 6302.

(d) The board of supervisors shall appoint as many additional trustees, who are members of the bar of the county, as may be necessary to constitute a board of five members in any county in which a municipal court has not been established, or of six members in any county where such a court has been established, or of seven members in any county where three or more municipal courts have been established and where only one judge of the municipal court has been elected to serve as trustee.

CHAPTER 1359

An act to add Section 33417 to the Health and Safety Code, relating to housing.

[Approved by Governor September 17, 1970 Filed with Secretary of State September 17, 1970]

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

SECTION 1. Section 33417 is added to the Health and Safety Code, to read:

33417. Before December 31, 1971, the Department of Housing and Community Development shall review the relocation plan of each agency prepared pursuant to Section 33411 and the progress which such agency has made in implementation of such plan. Additional review of such plan shall be conducted by the department at intervals of two years following the initial review conducted pursuant to this section.

The agency whose plan is to be reviewed by the department shall provide the department with a copy of such plan upon request by the department.

SEC. 2. The Legislature finds and declares that oftentimes the relocation plans of a local agency result in the displacement of persons and thereby cause problems of a statewide nature.

The Legislature, by the enactment of Section 33417 of the Health and Safety Code in Section 1 of this act, intends that the Department of Housing and Community Development review such a relocation plan by a local agency so that any problems of a statewide nature resulting from such a local plan may be determined by the state at an early enough time to alleviate, if not eliminate, such problems.

CHAPTER 1360

An act to amend Section 17200 of the Education Code, relating to school salaries.

[Approved by Governor September 17, 1970 Filed with Secretary of State September 17, 1970]

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

SECTION 1. Section 17200 of the Education Code is amended to read:

17200. The accounting system used to record the financial affairs of any school district shall be designed to provide separate recording and clear distinction between expenditures for salaries of classroom teachers employed by the district and expenditures for other purposes of the district.

As used in this section "salaries of classroom teachers" means:

(a) The salary paid to each teacher employed by the district whose duties require that the full time for which the

teacher is employed be devoted to the teaching of pupils of the district.

(b) The portion of the salary of each teacher whose duties require that a part, but not all, of the full time for which the teacher is employed be devoted to the teaching of pupils of the district, which is equal to the portion of such full time actually devoted by the teacher to teaching pupils of the district.

(c) The salary paid to each instructional aide employed by the district, any portion of whose duties are required to be performed under the supervision of a classroom teacher.

As used in this section a "teacher" means an employee of the district employed in a position requiring certification qualifications and whose duties require him to teach pupils of the district for at least one full instructional period each school-day for which the employee is employed. In the case of a teacher employed to teach in an elementary school, an instructional period is a period of not less than 20 minutes. In the case of a teacher employed to teach in a secondary school, an instructional period is the number of minutes equal to the number of minutes of the regular academic period in the junior high school, high school, or junior college in which the teacher is employed to teach.

CHAPTER 1361

An act to amend Sections 21022, 21291, 21294, and 21298 of, and to add Section 21300.5 to, the Government Code, relating to retirement.

[Approved by Governor September 17, 1970 Filed with Secretary of State September 17, 1970]

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

SECTION 1. Section 21022 of the Government Code is amended to read:

21022. Any patrol, local miscellaneous member, or local safety member incapacitated for the performance of duty as the result of an industrial disability shall be retired for disability, pursuant to this chapter, regardless of age or amount of service.

SEC. 2. Section 21291 of the Government Code is amended to read:

21291. Except as provided in Section 21294, upon retirement for disability, a local miscellaneous member who has attained the minimum age at which he may retire for service without an actuarial discount because of age, shall receive his service retirement allowance.

SEC. 3. Section 21294 of the Government Code is amended to read:

21294. Upon retirement of a local miscellaneous member or a local safety member for industrial disability he shall receive a disability retirement allowance of 50 percent of his final compensation plus an annuity purchased with his accumulated additional contributions, if any, or, if qualified for service retirement, he shall receive his service retirement allowance if such allowance, after deducting such annuity, is greater.

This section shall be applicable to local miscellaneous members of a contracting agency only if the agency elects, by express provision in its contracts, or by amendment to its contract made as provided in Section 20461.5, to subject itself and its employees to the provisions of this section.

SEC. 4. Section 21298 of the Government Code is amended to read:

21298. Except as provided in Section 21294 the disability retirement allowance of a local miscellaneous member retired for disability or a local safety member retired for nonindustrial disability and the requirements for obtaining it are the same as those for state members so retired if the employing contracting agency elects, by express provision in its contracts, or by amendment to its contract made as provided in Section 20461.5, to subject itself and its employees to the provisions of this part reducing the ages at which members may retire and increasing the benefits members will receive.

If, however, the employing contracting agency does not so elect, then as to the local miscellaneous members employed by that agency retired for disability and the local safety members employed by that agency retired for nonindustrial disability, the requirements for obtaining the disability retirement allowance are the same as those for state members so retired, but the disability retirement pension shall be such an amount as with that portion of his annuity provided by his accumulated normal contributions, will make his disability retirement allowance equal:

(a) Ninety percent of one-seventieth of his final compensation multiplied by the number of years of service credited to him; or

(b) If the disability retirement allowance computed under subdivision (a) does not exceed one-fourth of his final compensation, 90 percent of one-seventieth of his final compensation multiplied by the number of years of service which would be creditable to him were his service to continue until attainment by him of age 65, but in such case the retirement allowance shall not exceed one-fourth of such final compensation. This subdivision is not applicable to members who are not entitled, at the time of retirement, to be credited with at least 10 years of state service.

In no event shall the disability retirement pension be more than sufficient to make the disability retirement allowance under either subdivision (a) or (b), exclusive of any annuity provided by accumulated additional contributions, exceed the service retirement allowance, exclusive of any annuity pur-

chased by accumulated additional contributions, receivable by the member were he to continue in service and retire at age 65.

The disability retirement pension shall be derived from the contributions of the employer.

SEC. 5. Section 21300.5 is added to the Government Code, to read:

21300.5. The provisions of Section 21300 shall apply to any local miscellaneous member receiving an industrial disability retirement allowance pursuant to Section 21294.

CHAPTER 1362

An act to amend Section 2 of Chapter 1068, Statutes of 1968, relating to consumer protection.

[Approved by Governor September 17, 1970. Filed with Secretary of State September 17, 1970.]

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

SECTION 1. Section 2 of Chapter 1068 of the Statutes of 1968 is amended to read:

Sec. 2. 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.

CHAPTER 1363

An act to add Section 5500.5 to the Financial Code, relating to savings and loan associations.

[Approved by Governor September 17, 1970. Filed with Secretary of State September 17, 1970.]

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

SECTION 1. Section 5500.5 is added to the Financial Code, to read:

5500.5. Whenever by statute or regulation there is extended to federal institutions doing business in this state whose accounts are insured by the Federal Savings and Loan Insurance Corporation or its successor any right, power, privilege, or duty not authorized herein to domestic associations, the commissioner may by regulation extend to domestic associations such right, power, privilege, or duty. Any such regulation promulgated during the first 100 calendar days of a regular session of the Legislature shall expire on the 61st day after adjournment of such regular session. Any such regulation not promulgated during the first 100 calendar days of a regular session of the Legislature shall expire on the 61st day after adjournment of the next regular session.

CHAPTER 1364

An act to amend Sections 611 and 614 of the Military and Veterans Code, relating to flags.

[Approved by Governor September 17, 1970. Filed with Secretary of State September 17, 1970.]

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

SECTION 1. Section 611 of the Military and Veterans Code is amended to read:

611. (a) "Flag," as used in this division, means the State Flag of California and the Flag of the United States, as defined in this section.

(b) "State Flag of California" includes any flag, standard, color, or ensign authorized by the laws of this state, and every picture or representation thereof, of any size, made of any substance, or represented on any substance evidently purporting to be any such flag, standard, color, or ensign of this state, and every picture or representation which shows the design thereof.

(c) "Flag of the United States" includes any flag, standard, colors, or ensign authorized by the laws of the United States or any picture or representation of either, or of any part or parts of either, made of any substance or represented on any substance, of any size evidently purporting to be either of said flag, standard, colors, or ensign of the United States of America, or a picture or a representation of either, upon which shall be shown the colors, the stars and the stripes, in any number of either thereof, or of any part or parts of either, by which the average person seeing the same without deliberation may believe the same to represent the flag, standards, colors, or ensign of the United States of America.

SEC. 2. Section 614 of the Military and Veterans Code is amended to read:

614. A person is guilty of a misdemeanor who knowingly casts contempt upon any Flag of the United States or of this state by publicly mutilating, defacing, defiling, burning, or trampling upon it.

CHAPTER 1365

An act to add Chapter 2.6 (commencing with Section 8130) to Division 1 of Title 2 of, and to repeal Chapter 2.6 (commencing with Section 8130) of Division 1 of Title 2 of, the Government Code, relating to the California-Nevada Interstate Compact Commission, and making an appropriation therefor.

[Approved by Governor September 17, 1970. Filed with Secretary of State September 17, 1970.]

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

SECTION 1. Chapter 2.6 (commencing with Section 8130) of Division 1 of Title 2 of the Government Code is repealed.

SEC. 2. Chapter 2.6 (commencing with Section 8130) is added to Division 1 of Title 2 of the Government Code, to read:

CHAPTER 2.6. CALIFORNIA-NEVADA INTERSTATE COMPACT COMMISSION

8130. There is in the state government a California-Nevada Interstate Compact Commission.

8131. As used in this chapter "commission" means California-Nevada Interstate Compact Commission.

8132. The commission shall consist of seven members, the Director of Water Resources and six members appointed by the Governor, from California electors residing, owning property or engaged in business in the areas comprising the basins of the Truckee, Carson and Walker Rivers and Lake Tahoe as follows:

One from Sierra or Nevada County; one from Placer County; one from El Dorado County; one from Alpine County; one from Mono County; and one member who resides at any place within the state, who shall represent the Lake Tahoe area.

8133. Each member of the commission shall be entitled to receive his actual necessary expenses while on official business of the commission.

8134. The chairman of the commission shall be selected by the commission.

8135. The commission shall appoint a secretary who may be one of its members and may employ such employees as it deems necessary to carry out its functions under this chapter. It may also incur necessary expenses to effectuate its purposes.

8136. It is the function of the commission to cooperate with a similar commission representing the State of Nevada in formulating and submitting to the legislatures of both states for their approval an interstate compact relative to the distribution and use of the waters of Lake Tahoe, and the Truckee, Carson and Walker Rivers. The commission shall also cooperate with any person appointed by the President of the United States to participate in the negotiations as a representative of the United States and to make a report thereon to the Congress.

8137. No compact or agreement is binding on the State of California until it has been approved by the Legislature of this state and the Congress of the United States.

8138. The Director of Water Resources shall cooperate with the commission and furnish it with such engineering and other data as the commission may require in carrying out the provisions of this chapter; provided, the costs thereof shall be paid by the commission.

8139. Members and employees of the commission may travel outside of the state and may hold hearings and conduct investigations within and outside the state, whenever necessary to carry out the purposes of this act.

8140. The commission shall be abolished upon the earlier occurrence of either the effective date of the compact, or the 61st day after final adjournment of the 1972 session of the Legislature.

SEC. 3. There is hereby appropriated from the General Fund the sum of thirteen thousand five hundred fifty dollars ($13,550) in augmentation of Item 223 of the Budget Act of 1970 for the purpose of carrying out the provisions of this act.

CHAPTER 1366

An act to amend Section 34200 of, and to add Section 53060.5 to, the Government Code, relating to local agencies.

[Approved by Governor September 17, 1970. Filed with Secretary of State September 17, 1970.]

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

SECTION 1. Section 34200 of the Government Code is amended to read:

34200. There is in the state government an advisory body, the Council on Intergovernmental Relations, composed of three members representing the cities and who shall be city officers, three members representing the counties and who shall be county officers, two members representing the school districts and who shall be school district officers, six members representing the state and who shall be state officers, and four public members with an interest in state and regional affairs. All members shall be appointed by the Governor. The Governor shall appoint the city members from a list of six names submitted by the League of California Cities, the county members from a list of six names submitted by the County Supervisors Association of California, and the school district members from a list of four names submitted by the State Board of Education. The Governor shall designate the chairman from among the four public members.

In addition to the other members of the council provided for by this section, the Chairmen of the Senate Committee on Local Government and the Assembly Committee on Local Government, respectively, shall be nonvoting ex officio members of the council, who shall meet with the council and participate in its activities to the extend that such participation is not incompatible with their positions as Members of the Legislature. The legislative members of the council may each designate a representative to attend and participate in meetings of the council in their absence. The legislative members of the council or their designees shall be entitled to receive their actual

and necessary expenses incurred in the performance of their duties from whatever sums may be made available from the Contingent Funds of the Assembly and Senate for that purpose.

SEC. 1.5. Section 53060.5 is added to the Government Code, to read:

53060.5. The term "district," as used in this section, means a district, public authority, public agency, and any other political subdivision or public corporation in the state, but does not include the state or a county, city and county, or city.

Any district, directly or through a representative, may attend the Legislature and any committees thereof and present information to aid the passage of legislation which the district deems beneficial to the district or to prevent the passage of legislation which the governing board of the district deems detrimental to the district. The cost and expense incident thereto are proper charges against the district. Such districts may enter into and provide for participation in the business of associations and through a representative of the associations attend the Legislature, and any committees thereof, and present information to aid the passage of legislation which the association deems beneficial to the districts in the association, or to prevent the passage of legislation which the association deems detrimental to the districts in the association. The cost and expense incident thereto are proper charges against the districts comprising the association.

Each member of the district board engaging in such activities on behalf of the district shall be allowed eleven cents ($0.11) per mile, without any constructive mileage, for his expenses of traveling necessarily done by automobile, and his actual traveling expenses when he travels by public conveyance.

CHAPTER 1367

An act to add Section 39078 to the Health and Safety Code, relating to air pollution.

[Approved by Governor September 17, 1970. Filed with Secretary of State September 17, 1970.]

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

SECTION 1. Section 39078 is added to the Health and Safety Code, to read:

39078. (a) The Legislature hereby finds and declares that recent evidence indicates that lead compounds emitted into the air by nonvehicular sources accumulate in and upon vegetation in the vicinity of such sources, pose a grave threat to the health of animals which consume such vegetation, and constitute a potential human health hazard.

(b) Each local and regional district, including the Bay Area Air Pollution Control District, shall establish, by Janu-

ary 1, 1972, emission standards for lead compounds emitted into the air from nonvehicular sources. In areas which are not in a local or regional district, or where the district has failed to establish such standards by the required date, the board shall establish such standards in those areas.

CHAPTER 1368

An act to add Section 158.2 to the Streets and Highways Code, relating to state highways, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 17, 1970. Filed with Secretary of State September 17, 1970.]

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

SECTION 1. Section 158.2 is added to the Streets and Highways Code, to read:

158.2. As a part of the cost of construction, the department may make a payment not to exceed three thousand dollars ($3,000) to the owner of real property improved with a single-, two- or three-family dwelling, which is acquired for a project on the state highway system, for the cost incurred by such owner to finance the purchase of similar real property; provided that, for at least two years prior to the date of the first offer to acquire by the department, such real property was subject to a bona fide and recorded first mortgage or first deed of trust. The computation of such payment shall be based upon a schedule adopted by the department, which schedule shall be computed by taking into account:

(a) The principal amount of the new indebtedness not to exceed the unpaid debt at the time of acquisition.

(b) A term not to exceed seven years or the remaining term of the original first mortgage or first deed of trust at the time of acquisition, whichever is shorter.

(c) An interest rate as determined by the department not to exceed the prevailing interest rate on new Federal Housing Administration insured single-family home loans or Veterans Administration guaranteed home loans.

(d) The present worth of the future payments of increased interest computed at an interest rate determined by the department.

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 expedite the acquisition of rights-of-way for the construction of the state highway system by reimbursing owners of one- to three-family dwellings for their refinancing cost in acquiring similar properties, it is necessary that this act take effect immediately.

CHAPTER 1369

An act to add Section 1111.1 to the Education Code, relating to school board elections, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 17, 1970 Filed with Secretary of State September 17, 1970]

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

SECTION 1. Section 1111.1 is added to the Education Code, to read:

1111.1. Notwithstanding the provisions of Sections 1105, 1111, 1111.3, and 1111.4 to the contrary, when the first elected board of any newly formed unified school district was elected on the same date that the election was held for adopting the proposal for the formation of the new district, and such election was held on December 10, 1968, the majority of members receiving the highest number of votes of the first elected board shall serve until June 30 of the third succeeding odd-numbered year. The other members' terms shall expire on June 30 of the second succeeding odd-numbered year.

SEC. 2. This act shall remain in effect until July 1, 1973, and shall have no force or effect after that date.

SEC. 3. This act is declarative of previous legislative intent.

SEC. 4. This act is an urgency measure necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to clarify the terms of office of original board members of one or more unified school districts prior to election of a person to serve the remaining unexpired term of a resigned board member of the original board, which election will be held prior to the close of this session of the Legislature; and in order to provide continuity of a portion of the governing board of such newly established unified school district, it is necessary that this act take effect immediately.

CHAPTER 1370

An act to amend Section 23108 of the Vehicle Code, relating to vehicles.

[Approved by Governor September 17, 1970 Filed with Secretary of State September 17, 1970]

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

SECTION 1. Section 23108 of the Vehicle Code is amended to read:

23108. Any person who, while knowingly under the influence of any drug, other than a narcotic, to a degree which

renders him incapable of safely driving a vehicle, drives a vehicle and when so driving does any act forbidden by law or neglects any duty imposed by law in the driving of such vehicle, which act or neglect proximately causes bodily injury to any person other than himself is guilty of a felony and upon conviction thereof shall be punished by imprisonment in the state prison for not less than one year nor more than five years or in the county jail for not less than 90 days nor more than one year or by fine of not less than two hundred dollars ($200) nor more than five thousand dollars ($5,000) or by both such fine and imprisonment.

Any person who commits any of the acts specified in this section, while under the influence of any drug, other than a narcotic, to a degree which renders him incapable of safely driving a vehicle, shall be presumed to have knowledge that he is under the influence of such drug. This presumption may be rebutted.

For the purposes of this section, "drug" means any drug now or hereafter listed in Section 4211 of the Business and Professions Code and any drug now or hereafter within the provisions of Section 11901 of the Health and Safety Code, which by its nature or use renders a person incapable of safely operating a vehicle.

CHAPTER 1371

An act to amend Section 859b of the Penal Code, relating to preliminary examinations.

[Approved by Governor September 17, 1970. Filed with Secretary of State September 17, 1970.]

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

SECTION 1. Section 859b of the Penal Code is amended to read:

859b. At the time the defendant appears before the magistrate for arraignment, if the public offense is a felony to which the defendant has not pleaded guilty in accordance with Section 859a, the magistrate, immediately upon the appearance of counsel, or if none appears, after waiting a reasonable time therefor as provided in Section 859, must set a time for the examination of the case and must allow not less than two days, excluding Sundays and holidays, for the district attorney and the defendant to prepare for the examination. He must also issue subpoenas, subscribed by him, for witnesses within the state, required either by the prosecution or the defense. Unless the defendant waives the right, the defendant if he is in custody shall have the right to preliminary examination within 10 court days of the date he is arraigned or pleads, whichever occurs later.

CHAPTER 1372

An act to amend Section 13503 of the Education Code, relating to school district certificated employees.

[Approved by Governor September 17, 1970 Filed with Secretary of State September 17, 1970]

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

SECTION 1. Section 13503 of the Education Code is amended to read:

13503. Every person employed by the district in a position requiring certification qualifications in a day school of the district for not less than the minimum schoolday for each day the schools of the district are maintained during the school year is a full-time employee and his compensation shall be fixed accordingly. Governing boards may require persons employed in positions requiring certification qualifications to serve a longer period of time in each schoolday than the minimums defined in Sections 11003 to 11008, inclusive, and 11052, in order to be compensated as full-time employees, provided all such employees in similar grades or levels are similarly required to serve such longer periods of time, and provided that the duties required of such persons during such extended time shall be directly related to and restricted to their normal assignment. With respect to a unified school district, for the purposes of this section all day kindergarten and elementary schools of the unified school district shall be deemed to be maintained by one district, all day high schools of the unified school district shall be deemed to be maintained by a second and separate district, and all day junior colleges of the unified school district shall be deemed to be maintained by a third and separate district.

CHAPTER 1373

An act to amend Section 15957 of the Education Code, relating to school district contracts.

[Approved by Governor September 17, 1970 Filed with Secretary of State September 17, 1970]

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

SECTION 1. Section 15957 of the Education Code is amended to read:

15957. In each school district, the governing board may make repairs, alterations or additions to school buildings, repair or build apparatus or equipment, make improvements on the school grounds, and erect new buildings by day labor, or by force account, whenever the total cost of labor on the job does not exceed three thousand five hundred dollars ($3,500) or the total number of hours on the job does not exceed 350

hours, whichever is greater, provided that in any school district situated wholly or partly within a city containing a population of over 1,900,000 according to the 1950 federal census, the governing board may, in addition, make repairs to school buildings, grounds, apparatus, or equipment by day labor or by force account whenever the total cost of labor on the job does not exceed three thousand dollars ($3,000) or the total number of hours on the job does not exceed 750 hours whichever is greater.

For purposes of this section, day labor shall include the use of maintenance men, whether employed on a permanent or temporary basis.

CHAPTER 1374

An act to add Section 8762.5 to the Business and Professions Code, relating to land surveys.

[Approved by Governor September 17, 1970 Filed with Secretary of State September 17, 1970.]

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

SECTION 1. Section 8762.5 is added to the Business and Professions Code, to read:

8762.5. No record of survey of land shown on the latest adopted county assessment roll as a unit or as contiguous units, which shows a division of such land into additional parcels, shall be filed with the county surveyor or with the county recorder, unless there is attached thereto a certificate by the county surveyor if the land lies within an unincorporated area, or a certificate by the city engineer if the land lies within a city, of compliance with the provisions of the Subdivision Map Act, Chapter 2 (commencing with Section 11500) of Part 2, Division 4 of the Business and Professions Code, and any applicable local ordinance enacted pursuant thereto.

CHAPTER 1375

An act to amend Sections 6826.1 and 6871.2 of the Public Resources Code, relating to state-owned tide and submerged lands.

[Approved by Governor September 17, 1970 Filed with Secretary of State September 17, 1970.]

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

SECTION 1. Section 6826.1 of the Public Resources Code is amended 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 (c) or (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; to core drilling in connection with the location of nuclear plant sites; or the United States Bureau of Mines, the United States Army Corps of Engineers, the United States Geological Survey, the Resources Agency or any of its components, or similar agencies when the work performed is for the purpose of studying beach erosion, fresh water aquifers, earthquake faults, flood control, harbor works, or similar studies; provided that in no event may the commission permit the taking of cores or other samples by means of drilling operations on or under the tide and submerged lands to which this section is applicable for the purpose of exploring for, or exploiting, oil and gas resources.

SEC. 1.5. Section 6826.1 of the Public Resources Code is amended 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 (c), (d), or (f) 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; to core drilling in connection with the location of nuclear plant sites; or the United States Bureau of Mines, the United States Army Corps of Engineers, the United States Geological Survey, the Resources Agency or any of its components, or similar agencies when the work performed is for the purpose of studying beach erosion, fresh water aquifers, earthquake faults, flood control, harbor works, or similar studies; provided that in no event

may the commission permit the taking of cores or other samples by means of drilling operations on or under the tide and submerged lands to which this section is applicable for the purpose of exploring for, or exploiting, oil and gas resources.

SEC. 2. 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 prohibit 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 direc-

tion, 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 the intersection of the ordinary high water mark of the Pacific Ocean and the common boundary line between the Counties of San Luis Obispo and Santa Barbara; thence northerly and westerly along the ordinary high water mark of the Pacific Ocean and San Luis Obispo Bay 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 San Luis Obispo and Monterey; thence northwest 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 San Luis Obispo; thence in a southerly and easterly direction along the westerly boundary of the County of San Luis Obispo to a point in the Pacific Ocean where said westerly boundary of the County of San Luis Obispo intersects with the common boundary between the Counties of San Luis Obispo and Santa Barbara; thence due east 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. 2.5. 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 prohibit 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 the intersection of the ordinary high water mark of the Pacific Ocean and the common boundary line between the Counties of San Luis Obispo and Santa Barbara; thence northerly and westerly along the ordinary high water mark of the Pacific Ocean and San Luis Obispo Bay 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 San Luis Obispo and Monterey; thence northwest 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 San Luis Obispo; thence in a southerly and easterly direction along the westerly boundary of the County of San Luis Obispo to a point in the Pacific Ocean where said westerly boundary of the County of San Luis Obispo intersects with the common boundary between the Counties of San Luis Obispo and Santa Barbara; thence due east 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.

(f) Until March 1, 1975, all those tide or submerged lands situated in San Mateo, San Francisco, Marin, Sonoma, Napa, Alameda, Santa Clara, and Del Norte Counties, and all those tide and submerged lands situated in Solano and Contra Costa Counties except those situated east of the parallel Carquinez Bridges (Interstate 80).

SEC. 3. It is the intent of the Legislature, if amendments to Section 6826.1 of the Public Resources Code proposed by both this bill and A.B. 684 are enacted, that both amendments be given effect and incorporated in Section 6826.1 in the form set forth in Section 1.5 of this act. Therefore, in the event A.B. 684 is enacted and amends Section 6826.1, Section 1.5 of this act shall become operative at the same time that Section 6826.1 as amended by A.B. 684 becomes operative, and at that time, Section 6826.1 of the Public Resources Code as amended by Section 1 of this act is repealed.

SEC. 4. It is the intent of the Legislature, if amendments to Section 6871.2 of the Public Resources Code proposed by both this bill and A.B. 684 are enacted, that both amendments be given effect and incorporated in Section 6871.2 in the form set forth in Section 2.5 of this act. Therefore, in the event A.B. 684 is enacted and amends Section 6871.2, Section 2.5 of this act shall become operative at the same time that Section 6871.2 as amended by A.B. 684 becomes operative, and at that time, Section 6871.2 of the Public Resources Code as amended by Section 2 of this act is repealed.

CHAPTER 1376

An act to amend Section 6826.1 of the Public Resources Code, relating to leasing of public lands.

[Approved by Governor September 17, 1970. Filed with Secretary of State September 17, 1970.]

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

SECTION 1. Section 6826.1 of the Public Resources Code is amended 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 (c) or (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 explora-

tion 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; to core drilling in connection with the location of nuclear plant sites; or the United States Bureau of Mines, the United States Army Corps of Engineers, the United States Geological Survey, the Resources Agency or any of its components, or similar agencies when the work performed is for the purpose of studying beach erosion, fresh water aquifers, earthquake faults, flood control, harbor works, or similar studies; provided that in no event may the commission permit the taking of cores or other samples by means of drilling operations on or under the tide and submerged lands to which this section is applicable for the purpose of exploring for, or exploiting, oil and gas resources.

SEC. 2. Section 6826.1 of the Public Resources Code is amended 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 (c), (d), or (f) 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; to core drilling in connection with the location of nuclear plant sites; or the United States Bureau of Mines, the United States Army Corps of Engineers, the United States Geological Survey, the Resources Agency or any of its components, or similar agencies when the work performed is for the purpose of studying beach erosion, fresh water aquifers, earthquake faults, flood control, harbor works, or similar studies; provided that in no event may the commission permit the taking of cores or other samples by means of drilling operations on or under the tide and submerged lands to which this section is applicable for the purpose of exploring for, or exploiting, oil and gas resources.

SEC. 3. It is the intent of the Legislature, if amendments to Section 6826.1 of the Public Resources Code proposed by both this bill and A.B. 684 are enacted, that both amendments be given effect and incorporated in Section 6826.1 in the form set forth in Section 2 of this act. Therefore, in the event A.B. 684 is enacted and amends Section 6826.1, Section 2 of this act shall become operative at the same time that Section 6826.1

as amended by A.B. 684 becomes operative, and at that time, Section 6826.1 of the Public Resources Code as amended by Section 1 of this act is repealed.

CHAPTER 1377

An act to amend Sections 1201, 1220, 1240, 1242, 1243, 1265, 1266, 1267, 1268, 1280, 1300, and 1320 of, to amend the heading of Article 7 (commencing with Section 1320) of Chapter 3 of Division 2 of, to amend and renumber Sections 1224, 1225, 1226, 1227, 1282, 1283, 1284, 1285, 1286, 1289, 1291, 1292, 1303, 1304, and 1320.1 of, to add Sections 1207, 1208, 1209, 1222, 1227, 1289, and 1290 to, and to repeal Sections 1222, 1223, 1244, 1281, 1287, 1288, 1290, 1293, 1294, 1301, and 1321 of, the Business and Professions Code, relating to clinical laboratories.

[Approved by Governor September 17, 1970. Filed with Secretary of State September 17, 1970.]

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

SECTION 1. Section 1201 of the Business and Professions Code is amended to read:

1201. As used in this chapter, "person" includes firm, association, partnership, individual, and corporation.

SEC. 2. Section 1207 is added to the Business and Professions Code, to read:

1207. As used in this chapter, "owner" means any person who owns a clinical laboratory, or any portion thereof, licensed under this chapter.

SEC. 3. Section 1208 is added to the Business and Professions Code, to read:

1208. As used in this chapter, "school" means any place, establishment, or institution organized and operated to offer training for one or more of the personnel classifications included in this chapter or the regulations pertaining thereto.

SEC. 4. Section 1209 is added to the Business and Professions Code, to read:

1209. As used in this chapter, "laboratory director" means any person who is a duly licensed physician and surgeon, or is licensed to direct a laboratory under the provisions of this chapter, and is responsible for and administers the technical and scientific operation of a clinical laboratory, including the selection and supervision of procedures, reporting of results, and active participation in its operations to such extent as may be necessary to assure compliance with this act. He shall be responsible for the proper performance of all laboratory work of all subordinates.

SEC. 5. Section 1220 of the Business and Professions Code is amended to read:

1220. The board shall by regulation require that all licensed clinical laboratories maintain records, equipment, and facilities which are adequate and appropriate for the services rendered and demonstrate satisfactory performance in a proficiency testing program approved by the department. In addition, the board shall by regulation require that all licensed clinical laboratories be conducted, maintained, and operated without injury to the public health.

SEC. 6. Section 1222 of the Business and Professions Code is repealed.

SEC. 7. Section 1222 is added to the Business and Professions Code, to read:

1222. The department may approve schools seeking to provide instruction in clinical laboratory technic which in the judgment of the department will provide instruction adequate to prepare individuals to meet the requirements for licensure or performance of duties under this chapter and regulations of the board. The board shall establish by regulation the ratio of licensed clinical laboratory technologists to licensed trainees on the staff of the laboratory approved as a school and the minimum requirements for training in any specialty or in the entire field of clinical laboratory technology. Application for approval shall be made on forms provided by the department.

SEC. 8. Section 1223 of the Business and Professions Code is repealed.

SEC. 9. Section 1224 of the Business and Professions Code is amended and renumbered to read:

1223. The department may employ inspectors, special agents, and investigators, and provide any such clerical and technical assistance as it may deem necessary to administer the provisions of this chapter and may incur such other expenses as it may deem necessary.

SEC. 10. Section 1225 of the Business and Professions Code is amended and renumbered to read:

1224. The board shall make such regulations as may be necessary for the administration and enforcement of this chapter.

SEC. 11. Section 1226 of the Business and Professions Code is amended and renumbered to read:

1225. Any duly authorized representative of the department shall have access to the clinical laboratory, and in the presence of the laboratory director or his representative, may examine any records thereof as may be necessary to ascertain compliance with the provisions of this chapter. The department may cooperate with or assist persons licensed under this chapter, or other qualified persons, in evaluating laboratory procedures and techniques necessary to achieve and maintain high quality performance in clinical laboratories.

SEC. 12. Section 1227 of the Business and Professions Code is amended and renumbered to read:

1226. Annually the department may compile and may thereafter publish and sell a directory of persons within

the state licensed under the provisions of this chapter who hold unsuspended, unforfeited and unrevoked licenses. The directory may also contain a copy of the provisions of this chapter and regulations relating thereto and such other information as the department may determine advisable.

SEC. 13. Section 1227 is added to the Business and Professions Code, to read:

1227. Every person licensed under this chapter shall report to the department within 15 days thereof any change of name or address.

SEC. 14. Section 1240 of the Business and Professions Code is amended to read:

1240. This chapter does not authorize any person to practice medicine and surgery or to furnish the services of physicians for the practice of medicine and surgery. This chapter does not repeal or in any manner affect any provision of this code relating to the practice of medicine. This chapter does not prohibit the performance of tests not covered in Section 1206.

SEC. 15. Section 1242 of the Business and Professions Code is amended to read:

1242. Any person duly licensed under the provisions of this chapter to perform tests called for in a clinical laboratory may perform arterial puncture, venipuncture, or skin puncture for purposes of withdrawing blood or for test purposes as defined by regulations established by the board and upon specific authorization from any person in accordance with the authority granted under any provisions of law relating to the healing arts. The board may by regulation authorize unlicensed laboratory personnel to perform venipuncture or skin puncture for the purposes of withdrawing blood or for test purposes as defined by regulations established by the board and shall establish the minimum training required for such persons.

SEC. 16. Section 1243 of the Business and Professions Code is amended to read:

1243. A student regularly matriculated in any college or university accredited by an accrediting agency acceptable to the department, or in any legally chartered school approved by the department for training purposes may perform arterial puncture, venipuncture, or skin puncture as a part of the necessary training program when done under the direct and responsible supervision of a person licensed to perform tests under the provisions of this chapter or a licensed physician and surgeon.

SEC. 17. Section 1244 of the Business and Professions Code is repealed.

SEC. 18. Section 1265 of the Business and Professions Code is amended to read:

1265. The department shall issue a clinical laboratory license to any person who has applied for such license on forms provided by the department and who is found to be in compliance

with the provisions of this chapter and regulations pertaining thereto. The application shall include the name or names of the owner or the owners, the name or names of the director or directors, and the name and location of the laboratory, and such other information as may be required by the department. Application shall be made by the owner of the laboratory and the director prior to its opening. A license to conduct a clinical laboratory where the owner is not the director shall be issued jointly to the owner and the director and the license shall include such information as may be required by the board. The owners and directors shall be severally and jointly responsible to the department for the maintenance and conduct thereof or for any violations of the provisions of this chapter and regulations pertaining thereto. The board shall not issue a permit until it is satisfied that the clinical laboratory will be operated within the spirit and intent of this chapter, that the owner and director are each of good moral character, and that the granting of such permit will not be in conflict with the interests of public health. A separate license shall be obtained for each laboratory as defined by regulations of the board and the department shall be notified within 15 days of any change in location. The board shall establish by regulation the minimum requirements to be fulfilled by those seeking a clinical laboratory license. A license shall be automatically revoked in 30 days if there is a major change of directorship or ownership of the laboratory as determined by the department. The license shall be valid for the calendar year or remainder thereof for which it is issued unless revoked or suspended. If the department does not within 60 days after the date of receipt of the application issue a license, it shall state the grounds and reasons for its refusal in writing, serving a copy upon the applicant by certified mail addressed to the applicant at his last known address.

SEC. 19. Section 1266 of the Business and Professions Code is amended to read:

1266. The clinical laboratory license and the license or current renewal permit of each person performing tests shall be conspicuously posted in the clinical laboratory.

SEC. 20. Section 1267 of the Business and Professions Code is amended to read:

1267. Any denial, suspension, or revocation of a license under this chapter shall be conducted in compliance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 21. Section 1268 of the Business and Professions Code is amended to read:

1268. Upon filing application therefor, containing such information as the department may require, and the payment of the license fee, the department shall issue to any person duly licensed under this chapter a duplicate license for one previously issued or, where there has been a change of name, another license in lieu of one previously issued.

SEC. 22. Section 1280 of the Business and Professions Code is amended to read:

1280. It is unlawful for any person to represent himself or act as a licensed individual under this chapter unless he is, in fact, duly licensed under this chapter.

SEC. 23. Section 1281 of the Business and Professions Code is repealed.

SEC. 24. Section 1282 of the Business and Professions Code is amended and renumbered to read:

1281. It is unlawful for any person to own, operate, maintain, direct, or engage in the business of operating a clinical laboratory, as herein defined in this chapter, unless he possesses a valid clinical laboratory license duly issued to him by the department.

SEC. 25. Section 1283 of the Business and Professions Code is amended and renumbered to read:

1282. It is unlawful for any person to make any test or examination in a clinical laboratory unless he is a duly licensed physician and surgeon or is duly authorized to do so under the provisions of this chapter.

SEC. 26. Section 1284 of the Business and Professions Code is amended and renumbered to read:

1283. It is unlawful for any person to conduct, maintain, or operate a clinical laboratory unless he is a duly licensed physician and surgeon or is duly authorized to do so under the provisions of this chapter.

SEC. 27. Section 1285 of the Business and Professions Code is amended and renumbered to read:

1284. It is unlawful for a duly licensed physician and surgeon, or any person authorized to serve as director under this chapter, to serve only as a nominal director.

SEC. 28. Section 1286 of the Business and Professions Code is amended and renumbered to read:

1285. It is unlawful for any person conducting, maintaining, or operating a clinical laboratory to employ any person to perform clinical laboratory procedures unless the person is a duly licensed physician and surgeon or is duly authorized to do so under the provisions of this chapter.

SEC. 29. Section 1287 of the Business and Professions Code is repealed.

SEC. 30. Section 1288 of the Business and Professions Code is repealed.

SEC. 31. Section 1289 of the Business and Professions Code is amended and renumbered to read:

1286. It is unlawful for any person to operate a school or conduct any course for the purpose of training or preparing persons to perform duties, as defined under this chapter and regulations of the board, without having first secured the approval of the department as herein provided.

SEC. 32. Section 1289 is added to the Business and Professions Code, to read:

1289. The violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any provision or term of this chapter or regulations promulgated thereunder constitutes unprofessional conduct within the meaning of this chapter.

SEC. 33. Section 1290 of the Business and Professions Code is repealed.

SEC. 34. Section 1290 is added to the Business and Professions Code, to read:

1290. With the exception of narcotics and dangerous drugs stored on the licensed clinical laboratory premises for use exclusively as standards for the purpose of testing, the violation of any of the statutes of this state regulating narcotics and dangerous drugs constitutes unprofessional conduct within the meaning of this chapter.

SEC. 35. Section 1291 of the Business and Professions Code is amended and renumbered to read:

1287. Any person who violates any provision of this chapter is guilty of a misdemeanor punishable upon conviction by imprisonment in the county jail for a period not exceeding six months or by fine not exceeding five hundred dollars ($500) or by both.

SEC. 36. Section 1292 of the Business and Professions Code is amended and renumbered to read:

1288. Any person conducting or operating a clinical laboratory may accept assignments for tests only from and make reports only to persons licensed under the provisions of law relating to the healing arts or their representatives. This section does not prohibit the acceptance of evaluation specimens for proficiency testing or referral of specimens or such assignment from one clinical laboratory to another clinical laboratory, either licensed or exempt under this chapter, providing the report indicates clearly the laboratory performing the test. A report of results issuing from a clinical laboratory shall show clearly the name and address of the laboratory and the name of the director.

SEC. 37. Section 1293 of the Business and Professions Code is repealed.

SEC. 38. Section 1294 of the Business and Professions Code is repealed.

SEC. 39. 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, clinical chemist's, or clinical microbiologist's license is twenty-five dollars ($25).

(b) The annual renewal fee for a clinical laboratory bioanalyst's, clinical chemist's, or clinical microbiologist'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 or limited technologist's license is fifteen dollars ($15).

(d) The annual renewal fee for a clinical laboratory technologist's or limited 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 license is one hundred dollars ($100); provided, however, that when the applicant is the state or any agency or official thereof, or 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 license shall be fixed by the board at an amount not to exceed one hundred dollars ($100); provided, however, that when the applicant is the state or any agency or official thereof, or a district, city, county, or city and county, or official thereof, no fee shall be required.

(g) The application fee for a trainee's license is five dollars ($5).

(h) The annual renewal fee for a trainee's license is three dollars ($3).

(i) The application fee for a duplicate license is two dollars ($2).

(j) The delinquency fee is ten dollars ($10).

SEC. 40. Section 1301 of the Business and Professions Code is repealed.

SEC. 41. Section 1303 of the Business and Professions Code is amended and renumbered to read:

1301. The annual renewal fee set under this chapter shall be paid during the 30-day period 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 or doctoral degree specialists and clinical laboratory technologists or limited technologists by registered or certified 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 department 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.

SEC. 42. Section 1304 of the Business and Professions Code is amended and renumbered to read:

1302. All fees set under 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.

SEC. 43. The heading of Article 7 (commencing with Section 1320) of Chapter 3 of Division 2 of the Business and Professions Code is amended to read:

Article 7. Denial, Revocation and Suspension of Licenses

SEC. 44. Section 1320 of the Business and Professions Code is amended to read:

1320. Licenses issued by the department may be denied, revoked or suspended for any of the following reasons:

(a) Conduct involving moral turpitude or dishonest reporting of tests.

(b) Violation of any of the regulations of the board adopted pursuant to this chapter.

(c) Permitting a licensed trainee to perform tests or procure specimens unless under the direct and responsible supervision of a person duly licensed under this chapter or physician and surgeon other than another licensed trainee.

(d) Violation of any provision of the Business and Professions Code governing the practice of medicine and surgery.

(e) Proof that the holder has made false statements in material regard on his application for licensure or that he has used any degree or certificate as a means of qualifying for licensure which has been purchased or procured by barter or by any unlawful means or obtained from any institution which at the time said degree or certificate was obtained was not recognized or accredited by the department of education of the state where said institution is or was located to give training in the field of study in which the degree or certificate is claimed.

(f) The use of any degree, certificate, or title in any manner, which has been purchased or procured by barter or by any unlawful means or obtained from any institution which at the time said degree, certificate, or title was obtained was not recognized or accredited by the department of education of the state where said institution is or was located to give training in the field of study in which the degree, certificate, or title is claimed.

(g) Violation of any of the provisions of the premarital or prenatal laws or regulations pertaining thereto in Article 3 (commencing with Section 4300), Chapter 2, Title 1, Part 5, Division 4 of the Civil Code and in Article 1 (commencing with Section 1125), Group 4, Subchapter 1, Chapter 2, Part 1, Title 17 of the California Administrative Code, or of the provisions of Article 2 (commencing with Section 3220), Chapter 4, Division 4 of the Health and Safety Code.

(h) The advertising of clinical laboratory procedures to the lay public in magazines, newspapers, directories, circulars, signs, etc., or any advertising which is false or misleading.

(i) Knowingly accepting an assignment for clinical laboratory tests or specimens from and the rendering a report thereon to persons not authorized by law to submit such specimens or assignments.

(j) Rendering a report on clinical laboratory work actually performed in another clinical laboratory without designating clearly the name of the laboratory in which the test was performed.

(k) Conviction of a felony or of any misdemeanor involving moral turpitude under the laws of any state or of the United States arising out of or in connection with the practice of clinical laboratory technology. The record of conviction or a certified copy thereof shall be conclusive evidence of such conviction.

(*l*) Violation of any of the provisions of this chapter.

(m) Unprofessional conduct.

(n) The use of drugs or alcoholic beverages to the extent or in such manner as to be dangerous to a person licensed under this chapter, or any other person to the extent that such use impairs the ability of the licensee to conduct with safety to the public the practice of clinical laboratory technology.

SEC. 45. Section 1320.1 of the Business and Professions Code is amended and renumbered to read:

1321. A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge of a felony or of any offense involving moral turpitude is deemed to be a conviction within the meaning of this article. The board may order the license suspended or revoked, or may decline to issue a license, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information or indictment.

SEC. 46. Section 1321 of the Business and Professions Code is repealed.

CHAPTER 1378

An act to add Sections 4026, 4027, and 4028 to the Health and Safety Code, relating to water.

[Approved by Governor September 17, 1970. Filed with Secretary of State September 17, 1970.]

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

SECTION 1. Section 4026 is added to the Health and Safety Code, to read:

4026. (a) Any person who furnishes or supplies water to a user for domestic purposes within the State of California shall provide at such person's expense an analysis of such water to the State Department of Public Health.

(b) The State Department of Public Health shall, after consultation with a voluntary advisory committee whose members shall be appointed by the director from among a group of representatives nominated by the water utility industry, formulate such rules and regulations covering parameters to be tested and their limits, type of testing, frequency of testing, and such other matters as may be necessary to determine the quality of domestic water supplies.

(c) Upon determination that the quality of domestic water fails to comply with the standards established by the department, the department shall forthwith notify such person of that determination.

SEC. 2. Section 4027 is added to the Health and Safety Code, to read:

4027. When it is determined by the department that it is in the public interest, the department shall notify a person, who has not met the standards of the department for water quality of such noncompliance, and shall require such person to notify in writing each of his customers of the department's determination that the quality of the water fails to comply with the standards, requirements, or conditions established by the department and to include any comments of the department regarding the possible dangers because of such noncompliance. The content of such statement shall be approved by the department prior to distribution. Notification by such person shall be repeated at intervals as required by the department or until the department determines that there is compliance with the standards or requirements of the department.

Any person who fails to comply with the provisions of this section is guilty of a misdemeanor. Each day's violation of this section shall be a separate offense.

SEC. 3. Section 4028 is added to the Health and Safety Code, to read:

4028. After 90 days from the date of notification that the quality of domestic water fails to comply with the standards or requirements established by the department, the department may bring an action in the superior court where such person

shall be required to establish that he is not in violation of these requirements or that he has a reasonable plan for bringing the water system and the drinking water into compliance. If this is not established, a cease and desist order shall be issued to prevent any new service connection by such person until such time that the standards or requirements are met.

If a reasonable plan is established, but is not being complied with, the department shall request that the court review the person's actions If the court determines that the plan is not being complied with, a cease and desist order shall be issued as described above.

CHAPTER 1379

An act to amend Sections 891, 891.1, 891.3, 7101, 7151, 7153, 7201, 7203, 7207, 7209, and 13289 of, to add Sections 7050 and 7050.1 to, and to repeal Sections 7103, 7152, 7155, 7202, and 7206 of, the Education Code, relating to school libraries.

[Approved by Governor September 17, 1970. Filed with Secretary of State September 17, 1970.]

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

SECTION 1. Section 891 of the Education Code is amended to read:

891. (a) The county superintendent of schools may, with the approval of the board of supervisors and the county board of education, agree with the county librarian to take over all existing contracts for supplementary books and other material adopted for the course of study between the school districts and the county librarian entered into pursuant to the provisions of Sections 7201 to 7211, inclusive, of this code. Thereafter the county superintendent of schools shall generally perform such library services for the school districts as were theretofore performed by the county library.

(b) After the above agreement has been entered into, the governing board of any school district which had not yet joined the county library may enter into an agreement with the county superintendent of schools for the performance of school library services upon such terms and conditions as are fixed in the contracts or agreements.

(c) Whenever the county superintendent of schools performs school library services for any district, the provisions of Sections 7201 to 7211, inclusive, of this code, so far as applicable, shall control. The county superintendent shall employ a librarian holding a valid credential authorizing services as a librarian issued by the State Board of Education or Commission for Teacher Preparation and Licensing. He shall also employ such assistants as may be necessary to carry on this service. The cost of the salaries of such librarian and assistants,

and the other necessary expenses of maintenance of the library, including necessary supplies, equipment, and books, may be paid from the county school service fund.

SEC. 2. Section 891.1 of the Education Code is amended to read:

891.1. (a) The county superintendent of schools of any county in which no county library is maintained may, with the approval of the county board of education, establish and maintain a county school library service for such elementary school districts of the county as elect to participate in such service.

(b) Upon the governing board of any elementary school district electing to participate in such service, the governing board of the district shall enter into an agreement with the county superintendent of schools, and the provisions of Sections 7201 to 7254, inclusive, of this code shall control and be applicable in the same manner as they apply to a school district which enters into an agreement for school library services from the county library.

(c) The county superintendent of schools shall have the same powers, duties, responsibilities, and jurisdiction with respect to the furnishing and performance of library services to elementary school districts which have elected to participate in the county school library service as may be exercised by a county library with respect to school library services.

(d) Whenever the county superintendent of schools establishes and maintains a county school library service pursuant to subdivision (a) of this section, he shall employ a librarian holding a valid credential authorizing service as a school librarian issued by the State Board of Education or Commission for Teacher Preparation and Licensing.

(e) The county superintendents of schools of two or more contiguous counties which have established county school library services under the provisions of this section may cooperate with each other and to that end may enter into agreements with each other, and may do any and all things necessary or convenient to aid and cooperate in carrying out the provisions of this section.

SEC. 3. Section 891.3 of the Education Code is amended to read:

891.3. The county superintendent of schools of any county maintaining one or more emergency elementary schools may, if the county maintains a county library, enter into an agreement with the proper authorities of the county to provide school library services in each of the schools under such terms and conditions as may be agreed upon. The agreement may, among other matters, provide for the payment by the county superintendent of schools to the proper authorities for the use of the county library from the county school service fund of such money at such times as may be agreed upon. All money transferred shall be used solely by the authorities of the county library for the purchase of books and other materials as may

be adopted by the county board of education and for the care and distribution of such books and other materials to the schools.

SEC. 4. Section 7050 is added to the Education Code, to read:

7050. The governing board of each school district shall provide school library services for the pupils and teachers of the district by establishing and maintaining school libraries or by contractual arrangements with another public agency.

SEC. 5. Section 7050.1 is added to the Education Code, to read:

7050.1. The State Board of Education shall adopt standards, rules and regulations for school library services.

SEC. 6. Section 7101 of the Education Code is amended to read:

7101. County boards of education may adopt lists of books and other library materials for districts not employing a superintendent of schools or a librarian for full time. The lists may be distributed to all school districts in a county for use in the selection of books and other library materials.

SEC. 7. Section 7103 of the Education Code is repealed.

SEC. 8. Section 7151 of the Education Code is amended to read:

7151. The governing board of a school district maintaining its own library or libraries may appoint a librarian or librarians to staff such libraries provided they qualify as librarians pursuant to Section 13289.

SEC. 9. Section 7152 of the Education Code is repealed.

SEC. 10. Section 7153 of the Education Code is amended to read:

7153. The governing board of a school district is accountable for the proper care and preservation of the school libraries of the district, and may make all necessary rules and regulations not provided for by the State Board of Education, or the State Superintendent of Public Instruction, and not inconsistent therewith.

SEC. 11. Section 7155 of the Education Code is repealed.

SEC. 12. Section 7201 of the Education Code is amended to read:

7201. Whenever the county in which a district is situated maintains a county library, the governing board of any school district may agree with the proper authorities of the county to contract for the provision of school library services by the county library. Either the governing board of the school district or the governing body of the county library may initiate proceedings for the provision of library services for the schools of the district. Such agreements shall be reviewed annually by contracting parties.

SEC. 13. Section 7202 of the Education Code is repealed.

SEC. 14. Section 7203 of the Education Code is amended to read:

7203. All funds transferred to a county library pursuant to this article (commencing at Section 7201) shall be used by the county library only for: (a) the acquisition of such books and other materials as are adopted by the body authorized to adopt courses of study for the school districts which have entered into an agreement for the provision of school library services by the county library, and (b) the care and distribution of the books and other materials to schools which are eligible to receive school library services from the county library.

SEC. 15. Section 7206 of the Education Code is repealed.

SEC. 16. Section 7207 of the Education Code is amended to read:

7207. Whenever an agreement is made that school library services will be provided by a city, or county library, the county, or city and county, or city superintendent of schools may draw a warrant for the whole amount stipulated in the agreement, payable to the proper authorities of the library, upon the filing with him of a copy of the resolution of the governing board of the district embodying the agreement made with the library. The copy shall be duly certified as correct by the clerk of the district or other proper officer.

SEC. 17. Section 7209 of the Education Code is amended to read:

7209. Whenever the governing board of a school district enters into an agreement with a county or city library for school library services the district shall provide for the care and custody of and assume responsibility for the books and other property delivered to it subject to the rules and regulations of the county or city library and the terms of the agreement.

SEC. 18. Section 13289 of the Education Code is amended to read:

13289. No person shall be employed as a librarian in any elementary or secondary school, unless he holds a valid credential of proper grade authorizing service as a librarian, or a valid elementary school teacher's credential if he is employed to serve in an elementary school, or a secondary school credential if he is employed to serve in a secondary school, or a valid standard teaching credential with a specialization in elementary teaching, secondary teaching, or community college teaching if he has completed the specialized area of librarianship.

SEC. 19. Section 891 of the Education Code is amended to read:

891. (a) The county superintendent of schools may, with the approval of the board of supervisors and the county board of education, agree with the county librarian to take over all existing contracts for supplementary books and other material adopted for the course of study between the school districts and the county librarian entered into pursuant to the provisions of Sections 7201 to 7211, inclusive, of this code. Thereafter the county superintendent of schools shall generally per-

form such library services for the school districts as were theretofore performed by the county library.

(b) After the above agreement has been entered into, the governing board of any school district which had not yet joined the county library may enter into an agreement with the county superintendent of schools for the performance of school library services upon such terms and conditions as are fixed in the contracts or agreements.

(c) Whenever the county superintendent of schools performs school library services for any district, the provisions of Sections 7201 to 7211, inclusive, of this code, so far as applicable, shall control. The county superintendent shall employ a librarian holding a valid credential authorizing services as a librarian issued by the State Board of Education or Commission for Teacher Preparation and Licensing. He shall also employ such assistants as may be necessary to carry on this service. The cost of the salaries of such librarian and assistants, and the other necessary expenses of maintenance of the library, including necessary supplies, equipment, and books, may be paid from the county school service fund.

SEC 20. Section 891.1 of the Education Code is amended to read:

891.1. (a) The county superintendent of schools of any county in which no county library is maintained may, with the approval of the county board of education, establish and maintain a county school library service for such elementary school districts of the county as elect to participate in such service.

(b) Upon the governing board of any elementary school district electing to participate in such service, the governing board of the district shall enter into an agreement with the county superintendent of schools, and the provisions of Sections 7201 to 7254, inclusive, of this code shall control and be applicable in the same manner as they apply to a school district which enters into an agreement for school library services from the county library.

(c) The county superintendent of schools shall have the same powers, duties, responsibilities, and jurisdiction with respect to the furnishing and performance of library services to elementary school districts which have elected to participate in the county school library service as may be exercised by a county library with respect to school library services.

(d) Whenever the county superintendent of schools establishes and maintains a county school library service pursuant to subdivision (a) of this section, he shall employ a librarian holding a valid credential authorizing service as a school librarian issued by the State Board of Education or Commission for Teacher Preparation and Licensing.

(e) The county superintendents of schools of two or more contiguous counties which have established county school library services under the provisions of this section may cooperate with each other and to that end may enter into

agreements with each other, and may do any and all things necessary or convenient to aid and cooperate in carrying out the provisions of this section.

SEC. 21. Section 13289 of the Education Code is amended to read:

13289. No person shall be employed as a librarian in any elementary or secondary school, unless he holds a valid credential of proper grade authorizing service as a librarian, or a valid teaching credential issued by the Commission for Teacher Preparation and Licensing or the Board of Governors of the California Community Colleges if he has completed the specialized area of librarianship.

SEC 22. It is the intent of the Legislature, if amendments to Sections 891, 891.1, and 13289 of the Education Code proposed by both this bill and A.B. 122 are enacted, that both amendments be given effect and incorporated in Sections 891, 891.1, and 13289 in their respective forms as set forth in Sections 19, 20, and 21 of this act. Therefore, in the event A.B. 122 is enacted and amends Sections 891, 891.1, and 13289, Sections 19, 20, and 21 of this act shall become operative at the same time that Sections 891, 891.1, and 13289 as amended by A.B. 122 become operative, and at that time, Sections 891, 891.1, and 13289 as amended by Sections 1, 2, and 18, respectively, of this act are repealed.

CHAPTER 1380

An act to amend Section 20081.1 of the Education Code, relating to junior colleges.

[Approved by Governor September 17, 1970. Filed with Secretary of State September 17, 1970.]

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

SECTION 1. Section 20081.1 of the Education Code is amended 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 enrolled 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 enrolled weekly student contact hours of the district, or the projected enrolled 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 by the projected enrolled 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 enrolled 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 1381

An act to amend Section 320 of the Vehicle Code, relating to motor vehicles.

[Approved by Governor September 17, 1970. Filed with Secretary of State September 17, 1970.]

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

SECTION 1. Section 320 of the Vehicle Code is amended to read:

320. "Established place of business" is a place actually occupied either continuously or at regular periods by:

(a) A dealer, manufacturer, or automobile driving school where the books and records pertinent to the type of business being conducted are kept. The place of business shall have an office and in the case of a dealer or manufacturer shall have a display or manufacturing area situated on the same property where the business peculiar to the type of license issued by the department is or may be transacted. When a room or rooms in a hotel, roominghouse, apartment house building, or a part of any single- or multiple-unit dwelling house be used as an office or offices of an established place of business, such room or rooms shall be devoted exclusively to and occupied for the office or offices of the dealer, manufacturer, or automobile driv-

ing school, shall be located on the ground floor, and shall be so constructed as to provide a direct entrance into such room or rooms from the exterior of the building.

(b) An automobile dismantler where the books and records pertinent to the type of business being conducted are kept. The place of business shall have an office and a dismantling area located in a zone properly zoned for that purpose by the city, county or city and county. A place of business of an automobile dismantler which qualified as an "established place of business" before the enactment of amendments to this section at the 1970 Regular Session of the Legislature shall be deemed to be an "established place of business" as defined in this section.

A licensee issued an occupational license by the department and conducting more than one type of business from an establishment, as herein defined, shall provide a clear physical division between the types of business involving vehicles or their component parts. The place of business shall be open to inspection of the premises, pertinent records and vehicles by any peace officer during business hours.

CHAPTER 1382

An act to amend Sections 6851, 6859, 6860, 6865, 6865.5, 6866, 6875, 6876, 6876.2, 6877, 6878, 6886, 6886.1, 6887, 6888, 6893, 6894.3, 6894.7, 6894.11, 6894.14, 6906, 6906.2, 6915, 6915.4, 6916, 6916.1, 6917, 6921, 6925, 6930, 6947, 6949.2, 6950, and 6956 of, and to repeal Sections 6885, 6894.4, 6894.12, 6915.1, 6915.2, 6915.3, and 6947.1 of, and to add Sections 6885, 6894.10, and 6915.1 to, the Business and Professions Code, relating to collection agencies.

[Approved by Governor September 17, 1970. Filed with Secretary of State September 17, 1970.]

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

SECTION 1. Section 6851 of the Business and Professions Code is amended to read:

6851. (a) "Person" includes firm, partnership, association or corporation.

(b) "Department" means the Department of Professional and Vocational Standards.

(c) "Director" means the Director of Professional and Vocational Standards.

(d) "Bureau" means the Collection Agency Licensing Bureau.

(e) "Chief" means the Chief of the Collection Agency Licensing Bureau.

(f) "Board" means the Advisory Board, Collection Agency Licensing Bureau.

(g) "Manager" means a qualified certificate holder who is actively in charge of a licensed collection agency.

SEC. 1.5. Section 6851 of the Business and Professions Code is amended to read:

6851. (a) "Person" includes firm, partnership, association or corporation.

(b) "Department" means the Department of Consumer Affairs.

(c) "Director" means the Director of Consumer Affairs.

(d) "Bureau" means the Bureau of Collection and Investigative Services.

(e) "Chief" means the Chief of Collection and Investigative Services.

(f) "Board" means the Collection Agency Advisory Board.

(g) "Manager" means a qualified certificate holder who is actively in charge of a licensed collection agency.

SEC. 2. Section 6859 of the Business and Professions Code is amended to read:

6859. As used in this chapter, "qualified certificate holder" means a person who has met the requirements prescribed by this chapter for qualification, who meets the requirements prescribed by Section 6893 for continuation of a qualification certificate, and whose qualification certificate has not been suspended or revoked.

As used in this chapter, "provisional qualified certificate holder" means a person who has been issued a provisional qualification certificate after compliance with Section 6885 and whose provisional qualification certificate has not been suspended or revoked.

SEC. 3. Section 6860 of the Business and Professions Code is amended to read:

6860. There is in the Department of Professional and Vocational Standards a Collection Agency Licensing Bureau under the supervision and control of the director. The director shall administer and enforce the provisions of this chapter.

The Governor shall appoint, subject to confirmation by the Senate, a chief of the bureau at a salary to be fixed and determined by the director with the approval of the Director of Finance. The chief shall serve under the direction and supervision of the director.

Before a chief is appointed the Governor shall give due consideration to any person or persons recommended by the board.

Every power and duty granted to or imposed upon the director under this chapter may be delegated to the chief, except that the director may not delegate authority to adopt or otherwise act upon any proposed decision of a hearing officer after a hearing under the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code. The chief may delegate any power or duty granted to or imposed upon him under this chapter to the deputy chief, to the assistant chief, or to any inspection, investigation, or auditing personnel of the bureau.

SEC. 3.2. Section 6860 of the Business and Professions Code is amended to read:

6860. There is in the Department of Consumer Affairs a Bureau of Collection and Investigative Services. The Bureau of Collection and Investigative Services succeeds to and is vested with all the duties, powers, purposes, responsibilities, and jurisdiction vested in the Collection Agency Licensing Bureau. The bureau is under the supervision and control of the director. The director shall administer and enforce the provisions of this chapter.

The Governor shall appoint, subject to confirmation by the Senate, a chief of the bureau at a salary to be fixed in accordance with Section 12080.3 of the Government Code. The chief shall serve under the direction and supervision of the director.

Before a chief is appointed the Governor shall give due consideration to any person or persons recommended by the board.

Every power and duty granted to or imposed upon the director under this chapter may be delegated to the chief except that the director may not delegate authority to adopt or otherwise act upon any proposed decision of a hearing officer after a hearing under the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code. The chief may delegate any power or duty granted to or imposed upon him under this chapter to the deputy chief, to the assistant chief, or to any inspection, investigation or auditing personnel of the bureau.

SEC. 3.3. Section 6865 of the Business and Professions Code is amended to read:

6865. There is in the Collection Agency Licensing Bureau a California Advisory Board of Collection Agencies, which consists of seven members appointed by the Governor.

SEC. 3.5. Section 6865.5 of the Business and Professions Code is amended to read:

6865.5. Of the seven members of the Collection Agency Advisory Board, four members shall have been actively engaged in business as a licensed collector or manager of a licensed collection agency in this state for a minimum period of five consecutive years immediately preceding his appointment and shall continue in good standing in such capacity during his term of office. Three members shall be public members, who may be customers of a licensee but shall not be licensees or engage in any business or profession in which any part of the fees, compensation or revenue thereof is derived from any licensee.

SEC. 3.7. Section 6866 of the Business and Professions Code is amended to read:

6866. Each member of the board shall be appointed for a term of four years and shall hold office until the appointment and qualification of his successor or until one year shall have

elapsed since the expiration of the term for which he was appointed, whichever first occurs.

The terms of the members first appointed shall expire as follows: one member, June 30, 1960; one member, June 30, 1961; one member, June 30, 1962; and two members, June 30, 1963.

Vacancies occurring in the membership of the board for any cause shall be filled by appointment for the balance of the unexpired term.

No members shall serve more than two terms of office.

The Governor shall appoint one of the public members provided for at the 1970 Regular Session of the Legislature to fill the first vacancy occurring, after the effective date of the amendment made to Section 6865.5 at that session, by the expiration of a term of office of a member who is engaged in business as a licensed collector or manager of a licensed collection agency.

The Governor shall fill the new position created on the effective date of the 1970 amendments to Section 6865.5, on or before July 1, 1971. The term shall expire on June 30, 1973. Thereafter appointments shall be for a term of four years.

SEC. 4. Section 6875 of the Business and Professions Code is amended to read:

6875. Application for a license shall be made in writing to, and filed with, the chief in such form as may be required by the chief and shall be accompanied by the original license fee prescribed by this chapter. In addition to the information or documents required by this chapter, the chief may require the submission of any other information, evidence, statements, or documents.

Every application for a license shall state, among other things that may be required, the name of the applicant with the name under which the applicant will do business, and the location by street and number, city and state of the office of the business for which the license is sought.

No license shall be issued in any fictitious name which may be confused with or which is similar to any federal, state, county, or municipal governmental function or agency, or in any name which may tend to describe any business function or enterprise not actually engaged in by the applicant, or in any name which is the same as or so similar to that of any existing licensee as would tend to deceive the public, or in any name which would otherwise tend to be deceptive or misleading.

SEC. 5. Section 6876 of the Business and Professions Code is amended to read:

6876. Each individual applicant for examination and each manager, partner of a partnership and officer of a corporation, or unincorporated association, shall submit with the application, unless they have previously been submitted and are on file with the bureau in a form sufficiently current in the judgment of the chief to meet the purposes of this section, one per-

sonal identification form provided by the chief upon which shall appear a photograph taken within one year immediately preceding the date of the filing of the application together with two legible sets of fingerprints and personal description of each such person respectively.

Any person who knowingly falsifies the fingerprints or photographs submitted under this section is guilty of a felony.

SEC. 6. Section 6876.2 of the Business and Professions Code is amended to read:

6876.2. If the applicant for license is an individual, the application shall state the full residence address of the applicant and that the applicant is to be personally and actively in charge of the business for which the license is sought, or if any other qualified certificate holder is to be actively in charge of such business, the application shall so state and set forth the name of such person.

The application shall also state whether the applicant has ever used an alias and whether the applicant has ever been adjudged a bankrupt or made an assignment for the benefit of his creditors.

The application shall be subscribed and verified by the applicant and if any other person is to be actively in charge of such business the application shall also be subscribed and verified by such person.

SEC. 7. Section 6877 of the Business and Professions Code is amended to read:

6877. If the applicants for license are copartners, the application shall state the true names and addresses of all partners and the name of the partner to be actively in charge of the business for which the license is sought; or if a qualified certificate holder other than a partner is to be actively in charge of the business then the application shall state the name and address of such person.

The application shall be subscribed and verified by all of the partners and if any other person is to be actively in charge of the business the application shall also be subscribed and verified by such person. The application shall also state whether any of the partners has ever used an alias and whether any of the partners has ever been adjudged a bankrupt or made an assignment for the benefit of his creditors.

SEC. 8. Section 6878 of the Business and Professions Code is amended to read:

6878. If the applicant for license is a corporation, the application shall state the true names and complete residence addresses of all directors and officers, the true names and complete residence addresses of all stockholders and the number of shares of each and of all classes held by each, and the total number of shares of each class issued and outstanding; and if the applicant for license is a nonstock corporation or an unincorporated association, the true names and complete residence addresses of all officers, directors, and trustees. However, if a corporation or unincorporated association has 25 or more

shareholders or members, then the application need list only the names and addresses and shareholdings of those shareholders owning 10 percent or more of the outstanding shares. Shareholders who are themselves corporations shall submit such additional information as may be required by rules and regulations adopted under this chapter. The application shall also state the name and address of the person to be actively in charge of the business for which the license is sought.

The application shall be subscribed and verified by a duly authorized officer of the applicant and by the qualified certificate holder thereof, and shall be accompanied by a duly certified copy of that portion of the minutes of the meeting of the applicant at which such qualified certificate holder was appointed by the applicant. The application shall also state whether any of the directors, officers, stockholders, members, or trustees named therein has ever used an alias and whether any of them has ever been adjudged a bankrupt or made an assignment for the benefit of his creditors.

SEC. 9. Section 6885 of the Business and Professions Code is repealed.

SEC. 10. Section 6885 is added to the Business and Professions Code, to read:

6885. Except as otherwise provided in this chapter, an applicant for a provisional qualification certificate shall:

(a) Be a citizen of the United States, at least 18 years of age, and of good moral character.

(b) Have been a bona fide resident of this state continuously for at least one year next preceding the date of the filing of the application.

(c) Pay the required application and examination fees to the chief.

(d) Pass the examination required for a qualification certificate.

SEC. 11. Section 6886 of the Business and Professions Code is amended to read:

6886. Except as in this chapter otherwise provided, an applicant for a qualification certificate shall:

(a) Be a citizen of the United States.

(b) Be at least 21 years of age.

(c) Be of good moral character.

(d) Have been a registered employee under this chapter for at least one year during the five years next preceding the date on which his application is filed.

(e) Pass the examination required.

(f) Pay the required application and examination fees to the chief, except that the examination fee shall be waived if the applicant is the holder of a provisional qualification certificate.

SEC. 12. Section 6886.1 of the Business and Professions Code is amended to read:

6886.1. After a hearing the director may refuse to grant permission to take the collection agency examination, and to

issue a qualification certificate or a provisional qualification certificate if the applicant has:

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

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

(c) Entered a plea of guilty or nolo contendere to, or been found guilty of, or been convicted of, a felony or crime involving moral turpitude arising out of, or in connection with, or related to the activities of such person in such a manner as to demonstrate his unfitness to be or become a licensee, and the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal, irrespective of an order granting probation following such conviction, suspending the imposition of sentence, or of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his plea of guilty and to enter a plea of not guilty, or setting aside the plea or verdict of guilty, or dismissing the accusation or information.

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

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

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

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

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

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

to be confused with that of any law enforcement officer of the United States, a state, or any political subdivision thereof.

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

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

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

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

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

SEC. 13. Section 6887 of the Business and Professions Code is amended to read:

6887. The director may fix and determine by rule and regulation the qualifications for examination and for qualification and provisional qualification certificates.

The rules and regulations shall require, among other things, that the educational qualifications of applicants shall be at least graduation from a four-year high school, or proof satisfactory to the chief that applicants are possessed of the equivalent to a four-year high school education in point of intellectual competency and achievement.

SEC. 14. Section 6888 of the Business and Professions Code is amended to read:

6888. Examinations shall be held at least twice each year, at such times and places as the chief directs and according to the rules and regulations.

SEC. 15. Section 6893 of the Business and Professions Code is amended to read:

6893. On or before June 30 of each year a person desiring continuation of his qualification certificate shall apply for continuation of the certificate on a form prescribed by the chief, and pay the continuation fee prescribed by this chapter. If the holder of the certificate fails to request continuation and pay the fee within the time fixed, the certificate shall automatically lapse, but may be reinstated if within one year after it has lapsed, the holder of a lapsed certificate applies for reinstatement and pays the reinstatement fee prescribed by this chapter.

A qualification certificate may not be continued or reinstated if the holder thereof ceases to engage or be employed in the collection agency business for a continuous period of five years or more exclusive of time spent in active service in the United States military service or armed forces.

Reinstatement of a lapsed certificate shall not prohibit the bringing of disciplinary proceedings against the holder of the certificate.

A provisional qualification certificate holder is not subject to the provisions of this section. A provisional qualification

certificate shall be void if the holder thereof ceases to engage or be employed in the collection agency business for a continuous period of five years or more exclusive of time spent in active service in the United States military service or armed forces.

SEC. 16. Section 6894.3 of the Business and Professions Code is amended to read:

6894.3. The application for registration under this article shall be on a form prescribed by the chief and shall be accompanied by the employee registration fee provided for in this chapter. The application shall be verified and shall include such information, evidence, statements, and documents as the chief may require.

SEC. 17. Section 6894.4 of the Business and Professions Code is repealed.

SEC. 18. Section 6894.7 of the Business and Professions Code is amended to read:

6894.7. After a hearing the director may refuse to register an employee, or may suspend or revoke a previous registration, if the individual has committed any act which would justify refusal of permission to take the collection agency examination and to issue a qualification certificate under Section 6886.1.

If the director determines that it is in the public interest to grant probationary registration to a person whose application for registration is subject to denial under this section, he may register such person on terms and conditions sufficient in his judgment to protect the public interest. The director may suspend or revoke a probationary registration if, after a hearing, he determines that the individual has violated any of the terms and conditions of registration or any provision of this chapter or of the rules and regulations adopted thereunder. The granting of a probationary registration shall not in any way restrict the director's authority under this chapter to refuse to grant permission to take the collection agency examination, to issue a qualification certificate or a provisional qualification certificate, or to issue a license.

SEC. 19. Section 6894.10 is added to the Business and Professions Code, to read:

6894.10. On or before June 30 of each year, a registered person shall apply for continuation of his registration and pay the registered employee continuation fee prescribed by this chapter. Within 30 days after notification by the chief of noncontinuance of a registration, a person licensed under this chapter shall notify the chief of the termination of employment of the employee, unless he has complied with the requirements of this section within such 30 days.

SEC. 20. Section 6894.11 of the Business and Professions Code is amended to read:

6894.11. 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 director shall have all the powers granted therein.

SEC. 21. Section 6894.12 of the Business and Professions Code is repealed.

SEC. 22. Section 6894.14 of the Business and Professions Code is amended to read:

6894.14. (a) No person who is licensed as a repossessor under Chapter 11 (commencing with Section 7500) of Division 3 of this code shall be registered as an employee under this chapter unless such person holds a collection agency license under this chapter or unless the collection agency by whom he is employed holds a repossessor license.

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

SEC. 23. Section 6906 of the Business and Professions Code is amended to read:

6906. The chief may refuse to issue a license if the applicant, or any partner, director, shareholder, officer, or trustee thereof, or any director, shareholder, or officer of a corporation which is a shareholder thereof, or the qualified certificate holder who is to be in charge of the business of the applicant or in charge of any office thereof:

(a) Is not of good moral character.

(b) Has been convicted of a crime involving moral turpitude or of illegally using, carrying, or possessing a dangerous weapon.

(c) Has committed any act which would justify the denial of registration under Section 6894.7.

(d) Has had a license revoked for cause, or has been a partner, director, shareholder, officer, trustee, or qualified certificate holder of a partnership, corporation, or unincorporated association, the license of which has been revoked for cause.

(e) Has been disqualified from further employment in the collection agency business pursuant to the provisions of this chapter.

(f) Has committed any act which would justify refusal of permission to take the collection agency examination and to issue a qualification certificate under Section 6886.1.

The chief shall not issue a license unless the business of the applicant is to be placed under the active charge of a qualified certificate holder.

SEC. 24. Section 6906.2 of the Business and Professions Code is amended to read:

6906.2. The chief may refuse to issue a license if the applicant or any partner, director, officer or trustee thereof, or the qualified certificate holder who is to be in charge of the business of the applicant or in charge of any office thereof, has been

adjudicated as a bankrupt within two years preceding the date of the filing of the application.

SEC. 25. Section 6915 of the Business and Professions Code is amended to read:

6915. On or before the 30th day after the expiration of the first six months of his first fiscal year, and every six months thereafter, every licensee shall file with the director a financial statement showing each of the following:

(a) The total amount of money owing and unremitted to customers as of the close of business on the last day of business of the preceding month.

(b) The total amount on deposit in the licensee's trust account and available for immediate distribution to customers as of the close of business on the last day of business of the preceding month, together with the title of the trust account and the name of the bank where the funds are deposited.

(c) The total amount of the customers' share of all money collected more than 60 days before the last day of business of the preceding month and not remitted on or before the last day of business of the preceding month.

(d) Where a customer's share of any money collected more than 60 days before the last day of business of the preceding month and not remitted on or before the last day of business of the preceding month exceeds ten dollars ($10), the name of the customer, and the amount of the customer's share of the money collected.

Each statement shall be verified by the qualified certificate holder in active charge of the agency.

Any false statement shall constitute prima facie evidence of willful violation of this chapter and be grounds for institution of disciplinary proceedings against the licensee and the person executing the false statement on behalf of the licensee.

SEC. 26. Section 6915.1 of the Business and Professions Code is repealed.

SEC. 27. Section 6915.1 is added to the Business and Professions Code, to read:

6915.1. The financial statement required by Section 6915 shall be accompanied by photocopies of the bank statements for the licensee's trust account for the preceding six months, which shall clearly show the condition of the trust account as reflected on the books of the bank throughout such period.

SEC. 28. Section 6915.2 of the Business and Professions Code is repealed.

SEC. 29. Section 6915.3 of the Business and Professions Code is repealed.

SEC. 30. Section 6915.4 of the Business and Professions Code is amended to read:

6915.4. The provisions of Sections 6915 and 6915.1 shall not preclude the director from inspecting, examining, or investigating the business, including the books, accounts, records, and files used therein by the licensee, on such basis and on such occasion as shall be necessary to insure compliance with this

chapter and any rule or regulation adopted by the director pursuant to this chapter. For the purposes of this provision, the director shall have free access to the offices and places of business, books, accounts, records, papers, files, safes, and vaults of all licensees.

When an audit is performed as a consequence of information disclosed by the bank statements filed pursuant to Section 6915.1, the cost of such audit shall be charged to and paid by the licensee in accordance with rates established by regulations adopted by the director, subject to a maximum of seven hundred fifty dollars ($750) for any one audit. If the licensee fails to pay such charge within 60 days after the date of the bureau's notice that the charge is due, his license shall forthwith be revoked. No licensee shall be required to pay a charge for any inspection, examination, investigation, or audit of his business under this chapter except to the extent provided for by this section.

SEC. 31. Section 6916 of the Business and Professions Code is amended to read:

6916. If the financial statement and trust account bank statements are not filed within the time required, the director shall make written demand therefor by registered mail, with return receipt requested, addressed to the licensee's place of business of record, and if the statements are not filed within thirty (30) days after the date of such demand the license of such licensee shall be forthwith revoked.

A financial statement or bank statements filed subsequent to their due date and prior to expiration of the 30-day period following written demand therefor shall be accompanied by the delinquency fee provided by Article 12 (commencing with Section 6955). If the delinquency fee is not paid before the expiration of the 30-day period, the license shall be forthwith revoked.

SEC. 32. Section 6916.1 of the Business and Professions Code is amended to read:

6916.1. A license revoked or voided under the provisions of Sections 6900, 6902, 6915.4, or 6916 may be reinstated within six months of the date of revocation upon the application of the licensee, upon his complying with the rules and regulations adopted hereunder and upon the payment of the reinstatement fee provided by Section 6956. If at the time of reinstatement the current annual continuation fee has been paid, the amount so paid shall be credited toward the reinstatement fee. Reinstatement of a revoked or voided license does not prohibit the bringing of disciplinary proceedings for any act committed between the date of revocation and the date of reinstatement.

SEC. 33. Section 6917 of the Business and Professions Code is amended to read:

6917. Within 60 days after any payment is received on any claim or account, the licensee shall render a written statement of account to the customer setting forth all payments or credits received together with all charges and deductions made since

the last preceding statement, except that a licensee need not account for:

(a) Court costs recovered which were previously advanced by the licensee.

(b) Attorney fees and interest or other charges incidental to the principal amount of the obligation legally and properly belonging to the licensee, if such credits are retained by the licensee after the principal amount of the obligation has been accounted for and remitted to the customer.

SEC. 34. Section 6921 of the Business and Professions Code is amended to read:

6921. Every office licensed after May 1, 1941, whether a main or branch office, shall be under the active charge of a qualified certificate holder, who shall be in charge of the fiscal as well as the administrative functions of the office at all times.

This section does not apply to an office licensed prior to May 2, 1941.

SEC. 35. Section 6925 of the Business and Professions Code is amended to read:

6925. Any person aggrieved may file with the chief a written statement alleging acts of misconduct or violations of this chapter or any rule or regulation established thereunder by a licensee or employee of a licensee. All such statements shall be referred by the chief for investigation and report.

It shall also be the duty of the chief to initiate and conduct investigations into the business and affairs of licensees on his own motion.

The insolvency of a licensee, the adjudication as a bankrupt of a licensee or qualified certificate holder, or of a partner in a licensed copartnership, or the making of a general assignment for the benefit of creditors by a licensee or by a partner of a licensed copartnership, constitutes ground for the institution of disciplinary proceedings and revocation of license or qualification certificate or other disciplinary action.

SEC. 36. Section 6930 of the Business and Professions Code is amended to read:

6930. If it be found upon the hearing, or from the evidence in uncontested cases, that the licensee or employee has willfully violated any of the provisions of this chapter, or the rules and regulations established under it, or that he has been guilty of fraud, dishonesty, or misrepresentation, or any act or omission inconsistent with the faithful discharge of his duties or obligations, or that a final conviction of felony or a crime involving moral turpitude has been entered against him, or that he has violated or failed to comply with any conditions imposed upon him by a decision of the director, the director shall, within thirty (30) days after final submission of the case, render a decision which may:

(a) Order the revocation of the license or licenses of the licensee or licensees accused, or order any accused person disqualified from further employment in the collection agency business.

(b) Order the license or licenses suspended for such period of time as may be specified.

(c) Impose upon the licensee, licensees, or employee compliance with such just and reasonable conditions as may be specified.

(d) Order the revocation or suspension of the qualification certificate or the provisional qualification certificate of a holder thereof.

(e) Dismiss the accusation as to any one or more of the licensees or employees accused.

SEC. 37. Section 6947 of the Business and Professions Code is amended to read:

6947. Nothing in this chapter shall be deemed to authorize a collection agency licensee to perform any act or acts, either directly or indirectly, constituting the practice of law.

No suit may be instituted on behalf of a collection agency licensee in any court on any claim assigned to it in its own name as the real party in interest unless it appears by a duly authorized and licensed attorney at law.

A collection agency may not appear as an assignee party in any proceeding involving claim and delivery, replevin, or other possessory action, action to foreclose a chattel mortgage, mechanic's lien, materialman's lien, or any other lien. Nothing herein contained shall prohibit a licensee from making an oral or written demand for the return or surrender of personal property or from having property attached in an action at law pursuant to the provisions of Chapter 4 (commencing with Section 537) of Title 7 of Part 2 of the Code of Civil Procedure, or from enforcing a judgment carrying it into execution.

No licensee or employee shall:

(a) Directly or indirectly aid or abet any unlicensed person to engage in business as a collection agency or to receive compensation therefrom.

(b) Publish or post, or cause to be published or posted, any list of debtors, commonly known as "deadbeat" lists, except that this subdivision shall not be construed to prohibit the confidential distribution of trade lists containing debtor information.

(c) Collect or attempt to collect by the use of any methods contrary to the postal laws and regulations of the United States.

(d) Commingle the money of his customers with his own, except insofar as may be authorized by rules and regulations established hereunder.

(e) Have in his possession or make use of any badge, use a uniform of any law enforcement agency or any simulation thereof, or make any statements which might be construed as indicating an official connection with any federal, state, county, or city law enforcement agency, or any other governmental agency, while engaged in collection agency business.

(f) Print, publish or otherwise prepare for distribution for the use of, or sell or offer to sell or furnish or offer to furnish to, any person any system of collection letters, demand forms or other printed matter upon his stationery, or upon stationery upon which the licensee's name appears in such manner as to indicate that a demand is being made by the licensee for the payment of any sum or sums due or asserted to be due, where such forms containing such message are to be sold or furnished to any person to be used by such person at any address different from the address of the licensee as shown on the face of the license.

(g) Distribute collection letters, demand forms, or other printed matter which are made to be similar to or resemble governmental forms or documents, or legal forms used in civil or criminal proceedings.

(h) Advertise for sale or threaten to advertise for sale any claim as a means of endeavoring to enforce payment thereof, nor agree to do so for the purpose of solicitation of claims, except where the licensee has acquired claims as an assignee for the benefit of creditors or where the licensee is acting under the order of a court of competent jurisdiction.

(i) Use any name while engaged in the collection of claims, other than his true name, except under conditions prescribed by rules and regulations adopted by the director.

(j) Engage in any unfair or misleading practices or resort to any illegal means or methods of collection.

(k) Use profanity, obscenity, or vulgarity, while engaged in the collection of claims.

SEC. 38. Section 6947.1 of the Business and Professions Code is repealed.

SEC. 39. Section 6949.2 of the Business and Professions Code is amended to read:

6949.2. Any person whose application has been denied pursuant to the provisions of Section 6906, or who is disqualified from being in charge of a licensed office or agency pursuant to the provisions of Section 6923, or whose license, qualification, certificate, provisional qualification certificate, or registration is suspended or revoked pursuant to the provisions of Section 6930, or who has been disqualified from employment with a collection agency licensee pursuant to the provisions of this chapter, may file with the director a petition for reinstatement or review setting forth the grounds upon which the petitioner claims fitness to engage in the collection agency business. No such petition may be filed for a period of two years after the effective date of a decision of denial, revocation, or disqualification. The director shall determine the fitness of the petitioner to engage in the collection agency business. He may grant the petition without a hearing or may grant or deny the petition after a hearing conducted under the Administrative Procedure Act, Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code. If the petition is denied, such denial shall be without prejudice and peti-

tioner may file a new petition at any subsequent time but not sooner than one year from the date of denial. If the petition is granted, the petitioner shall, as a condition precedent to reinstatement, pay a fee in the amount of the original license fee required by this chapter.

The director shall notify the petitioner within 60 days of the receipt of the petition whether the petition will be set for hearing or granted without a hearing. If the petition will be heard it shall be filed and the hearing shall be set within 60 days of the notice.

SEC. 40. Section 6950 of the Business and Professions Code is amended to read:

6950. A licensee desiring a continuation of his license shall, on or before the 30th day of June of each year, file with the chief a request for a continuation on such forms as may be designated by the chief. The request shall be accompanied by the continuation fee.

The chief shall, on or before the first day of June of each year mail to each licensee, addressed to him at his last known address, a form for continuation of license and a notice that the continuation fee is due and payable, stating the amount thereof, and that if the fee is not paid by the 30th day of June, the license shall be automatically revoked.

The chief shall issue a continuation license to the licensee which shall be dated the first day of July of the year of issuance thereof and shall bear in conspicuous type the word "continuation" and the date to and including which the license is continued.

In the event a licensee fails to request a continuation of his license within the time fixed, the license is automatically revoked, but may be reinstated within 30 days of the date of revocation upon compliance with the rules and regulations established hereunder and upon application of the licensee and upon the payment of the reinstatement fee provided by this chapter. Reinstatement of a revoked license shall not prohibit the bringing of disciplinary proceedings for any act committed during the period such license is revoked.

SEC. 40.5. Section 6950 of the Business and Professions Code is amended to read:

6950. A licensee desiring a continuation of his license shall, on or before the 30th day of June of each year, file with the chief a request for a continuation on such forms as may be designated by the chief. The request shall be accompanied by the continuation fee.

The chief shall, on or before the first day of June of each year mail to each licensee, addressed to him at his last known address, a form for continuation of license and a notice that the continuation fee is due and payable, stating the amount thereof, and that if the fee is not paid by the 30th day of June, the license shall be automatically revoked.

The chief shall issue a continuation license to the licensee the form and content of which shall be determined in accordance with Section 164.

In the event a licensee fails to request a continuation of his license within the time fixed, the license is automatically revoked, but may be reinstated within 30 days of the date of revocation upon compliance with the rules and regulations established hereunder and upon application of the licensee and upon the payment of the reinstatement fee provided by this chapter. Reinstatement of a revoked license shall not prohibit the bringing of disciplinary proceedings for any act committed during the period such license is revoked.

SEC. 41. Section 6956 of the Business and Professions Code is amended to read:

6956. (a) The director shall fix, charge, and collect the following fees:

(1) An original license fee of not more than three hundred dollars ($300).

(2) A license continuation fee of not more than one hundred eighty dollars ($180).

(3) A duplicate license fee of not more than twenty dollars ($20).

(4) A temporary license fee of not more than fifty dollars ($50).

(5) A delinquency fee of not more than twenty dollars ($20).

(6) An examination fee of not more than one hundred dollars ($100).

(7) A qualification certificate application fee of not more than twenty dollars ($20).

(8) A provisional qualification certificate application fee of not more than twenty dollars ($20).

(9) A qualification certificate continuation fee of not more than twenty dollars ($20).

(10) A reinstatement fee equal to the amount of the annual continuation fee plus a penalty of 50 percent thereof.

(11) A fee not more than forty dollars ($40) for reinstatement of a qualification certificate under Section 6893.

(12) An employee registration fee of not more than ten dollars ($10).

(13) An employee registration continuation fee of not more than ten dollars ($10).

(b) The director shall furnish one copy of any issue or edition of the licensing law and rules and regulations to any applicant or licensee without charge; and shall charge and collect a fee of one dollar ($1) plus sales tax for each additional copy which may be furnished on request to any applicant or licensee, and for each copy furnished on request to any other person.

SEC. 42. It is the intent of the Legislature that in the event the Governor's Reorganization Plan No. 2 of 1970 becomes effective, Sections 6851, 6860, and 6950 of the Business

and Professions Code as set forth in Sections 1.5, 3.2, and 40.5, respectively, of this act shall become operative, Sections 6851, 6860, and 6950 of the Business and Professions Code as amended by Sections 1, 3, and 40, respectively, of this act shall not take effect, and any conflicting provisions of the Governor's Reorganization Plan No. 2 inconsistent with Sections 1.5, 3.2, and 40.5 of this act or with any other provisions of this act are repealed.

CHAPTER 1383

An act to amend Sections 6826.1 and 6871.2 of the Public Resources Code and to amend Section 2 of Chapter 83 of the Statutes of 1923, relating to state lands.

[Approved by Governor September 17, 1970. Filed with Secretary of State September 17, 1970.]

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

SECTION 1. Section 6826.1 of the Public Resources Code is amended 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) or (f) 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; to core drilling in connection with the location of nuclear plantsites; or the United States Bureau of Mines, the United States Army Corps of Engineers, the United States Geological Survey, the Resources Agency or any of its components, or similar agencies when the work performed is for the purpose of studying beach erosion, fresh water aquifers, earthquake faults, flood control, harbor works, or similar studies; provided that in no event may the commission permit the taking of cores or other samples by means of drilling operations on or under the tide and submerged lands to which this section is applicable for the purpose of exploring for, or exploiting, oil and gas resources.

SEC. 1.5. Section 6826.1 of the Public Resources Code is amended 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 (c), (d), or (f) 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; to core drilling in connection with the location of nuclear plantsites; or the United States Bureau of Mines, the United States Army Corps of Engineers, the United States Geological Survey, the Resources Agency or any of its components, or similar agencies when the work performed is for the purpose of studying beach erosion, fresh water aquifers, earthquake faults, flood control, harbor works, or similar studies; provided that in no event may the commission permit the taking of cores or other samples by means of drilling operations on or under the tide and submerged lands to which this section is applicable for the purpose of exploring for, or exploiting, oil and gas resources.

SEC. 2. 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 prohibit 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.

(f) Until March 1, 1975, all those tide or submerged lands situated in San Mateo, San Francisco, Marin, Sonoma, Napa, Alameda, Santa Clara, and Del Norte Counties, and all those tide and submerged lands situated in Solano and Contra Costa Counties except those situated east of the parallel Carquinez Bridges (Interstate 80).

SEC. 2.5. 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 prohibit 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 the intersection of the ordinary high water mark of the Pacific Ocean and the common boundary line between the Counties of San Luis Obispo and Santa Barbara; thence northerly and westerly along the ordinary high water mark of the Pacific Ocean and San Luis Obispo Bay 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 San Luis Obispo and Monterey; thence northwest 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 San Luis Obispo; thence in a southerly and easterly direction along the westerly boundary of the County of San Luis Obispo to a point in the Pacific Ocean where said westerly boundary of the County of San Luis Obispo intersects with the common boundary between the Counties of San Luis Obispo and Santa Barbara; thence due east 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.

(f) Until March 1, 1975, all those tide or submerged lands situated in San Mateo, San Francisco, Marin, Sonoma, Napa, Alameda, Santa Clara, and Del Norte Counties, and all those tide and submerged lands situated in Solano and Contra Costa Counties except those situated east of the parallel Carquinez Bridges (Interstate 80).

SEC. 3. Section 2 of Chapter 83 of the Statutes of 1923 is amended to read:

Sec. 2. (a) It is found and determined that the following described lands within the City of San Rafael, herein referred to as Parcel No. 1, lie above the line of mean high tide, are no longer necessary or useful for commerce, fisheries and navigation, and are hereby freed from the public use and trust for harbors, commerce, fisheries and navigation to the extent such may have existed as to any of such lands enclosed within the following boundaries:

Parcel No. 1.

Beginning at Station 20 of the Meanders of the San Rafael Canal, as said station is shown on "Map No. 2 of Salt Marsh and Tide Lands situate in the County of Marin, State of California 1870" prepared by Order of the Board of Tide Land Commissioners; thence, along the Meanders of said Canal, North 24°42'21" West 10.786 feet to the True Point of be-

ginning; thence, continuing North 24°42'21" West 319.210 feet to Station 21; thence, North 23°32'39" East 275.077 feet to a point; thence, crossing said Canal, South 39°15'00" East 70.681 feet to a point on the line between Stations 33 and 34 of said Canal; thence, along the Meanders of said Canal, South 23°47'39" West 195.653 feet to Station 34; thence, South 24°42'21" East 206.605 feet to a point; thence, across said Canal, South 13°19'40" West 124.062 feet to the True Point of Beginning.

(b) The City of San Rafael is hereby authorized to exchange Parcel No. 1, described above in subdivision (a) hereof, for the following parcel, herein referred to as Parcel No. 2:

Parcel No. 2.

Beginning at Station 35 of the Meanders of the San Rafael Canal, as said station is shown on "Map No. 2 of Salt Marsh and Tide Lands situate in the County of Marin, State of California 1870" prepared by Order of the Board of Tide Land Commissioners; thence, along the Meanders of said Canal, North 24°42'21" West 96.995 feet; thence, leaving last said line, North 13°19'40" East 284.924 feet; thence, North 39°15'00" West 115.531 feet to a point on the line of said Canal between Stations 33 and 34; thence, along last said line, North 23°47'39" East 79.745 feet to a point; thence, leaving last said line, South 39°15'00" East 184.762 feet; thence, South 13°19'40" West 405.173 feet to a point on the line of the aforementioned Canal between Stations 35 and 36; thence, along last said line, North 38°57'21" West 12.272 feet to Station 35 and the Point of Beginning.

(c) Parcel No. 2, described in subdivision (b) hereof, shall be considered as a substitute area for the alignment of San Rafael Canal as described in Parcel No. 1, described in subdivision (a) hereof, and said substitute alignment of said San Rafael Canal shall be considered to be administered in the same manner and subject to the same trust, provisos, and reservations as apply to the lands granted to the city by Section 1 of this act.

(d) All lands subject to the trust under this act shall be subject to the following additional conditions:

(1) 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 the lands shall cease and the lands shall revert and rest in the state.

In making its determination as to whether such lands have been substantially improved, the commission shall take into consideration the existing improvements made by the city to such lands.

(2) There is hereby excepted and reserved in the state all deposits of minerals, including oil and gas, in the lands, and to

the state, or persons authorized by the state, the right to prospect for, mine, and remove such deposits from the lands.

(3) The lands are subject to the express reservation and condition that the state may at any time in the future use the lands or any portion thereof for highway purposes without compensation to the 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.

(4) (i) The State Lands Commission shall, at the cost of the city, survey and monument the lands and record a description and plat thereof in the office of the County Recorder of Marin County. Notwithstanding this or any other provision of law, the requirement of a survey shall have no force or effect between the 61st day after the adjournment of the 1970 Regular Session and the 61st day after adjournment of the 1971 Regular Session.

(ii) The City of San Rafael and the State Lands Commission, on behalf of the state, are authorized to enter into boundary agreements with private parties to settle existing boundary disputes. Any such agreement shall not be a precedent for the determination of any subsequent boundary line dispute; however, any subsequent survey shall incorporate the boundary agreement entered into by the commission, the City of San Rafael, and a private party.

(5) 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 lands or any improvements, betterments or structures thereon.

SEC. 4. It is the intent of the Legislature, if amendments to Section 6826.1 of the Public Resources Code proposed by this bill and S.B. 97 or S.B. 132, or both are enacted, that all amendments be given effect and incorporated in Section 6826.1 in the form set forth in Section 1 5 of this act. Therefore, in the event S.B. 97 or S.B. 132, or both, are enacted and amend Section 6826.1, Section 1.5 of this act shall become operative at the same time that Section 6826.1 as amended by S.B. 97 or S.B. 132, or both, becomes operative, and at that time, Section 6826.1 of the Public Resources Code as amended by Section 1 of this act is repealed.

SEC. 5. It is the intent of the Legislature, if amendments to Section 6871.2 of the Public Resources Code proposed by both this bill and S.B. 97 are enacted, that both amendments be given effect and incorporated in Section 6871.2 in the form set forth in Section 2.5 of this act. Therefore, in the event S B. 97 is enacted and amends Section 6871.2, Section 2 5 of this act shall become operative at the same time that Section 6871.2

as amended by S.B. 97 becomes operative, and at that time, Section 6871.2 of the Public Resources Code as amended by Section 2 of this act is repealed.

CHAPTER 1384

An act relating to employment problems of parolees, and making an appropriation therefor.

[Approved by Governor September 17, 1970. Filed with Secretary of State September 17, 1970.]

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

SECTION 1. The Legislature finds and declares:

(a) The costs of keeping persons confined in prison are immense; the portion of the California Department of Corrections budget for correctional institutions now exceeds eighty million dollars ($80,000,000).

(b) Many persons now in prison are there not as first-time offenders but as parole violators.

(c) Federal studies indicate unemployment and marginal jobs encourage ex-offender recidivism. Therefore, placing parolees in jobs which utilize their full vocational and intellectual talents may well be a factor in preventing their return to prison, thereby retaining them in society as contributing jobholders and taxpayers.

(d) At this time, the California Department of Corrections has no systematic method to match job offers by interested employers with parolees, or prisoners with parole dates, who have the vocational skills necessary to perform the job. Too often job offers for parolees go unfilled.

(e) A study should be conducted by the Department of Corrections to determine the operational usefulness and efficiency of utilizing computer programming to match job offers by interested employers with parolees, or prisoners with parole dates, having the vocational skills necessary to perform the job, and any noticeable effect of this program on patterns of postrelease employment and recidivism of parolees involved in the program.

SEC. 2. (a) The Department of Corrections shall undertake a pilot study on the operational usefulness and efficiency of employing a computer to match job offers by interested employers with parolees, or prisoners with parole dates, having the skills necessary to perform the job, and shall determine the employment patterns and problems of parolees in and returning to Parole Region III, the greater Los Angeles area, as determined by the department.

(b) The Department of Corrections shall submit a report to the Legislature not later than the 30th legislative day of the

1972 Regular Session. The report shall contain the following information: (1) the operational usefulness and efficiency of employing computers to match job offers by interested employers with parolees having the vocational skills necessary to perform the job, (2) any changes in the patterns of postrelease employment and recidivism by parolees after the implementation of this program, and (3) the cooperative efforts between governmental agencies in solving the problem which is the subject of the study, including, but not limited to, the cooperative efforts between the Department of Corrections and the Department of Human Resources Development.

SEC. 3. The Department of Corrections shall utilize existing state facilities, and shall otherwise cooperate with all federal, state, local, and private agencies in the completion of this study.

SEC. 4. The Department of Corrections shall solicit and utilize any available federal funds for this study.

SEC. 5. This act shall remain in effect until the 61st day after the final adjournment of the 1972 Regular Session of the Legislature. Thereafter, this act shall have no force or effect and shall be repealed.

CHAPTER 1385

An act to amend Sections 22002, 22005, and 24997 of, to add Chapter 4 (commencing with Section 18650) to Part 3 of Division 9 of, to add Section 24502 to, to repeal Chapter 4 (commencing with Section 18651) of Part 3 of Division 9 of, and to repeal Sections 22003, 25096, and 25121 of, the Agricultural Code, relating to meat and poultry inspection, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 17, 1970. Filed with Secretary of State September 17, 1970.]

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

SECTION 1. Chapter 4 (commencing with Section 18651) of Part 3 of Division 9 of the Agricultural Code is repealed.

SEC. 2. Chapter 4 (commencing with Section 18650) is added to Part 3 of Division 9 of the Agricultural Code, to read:

CHAPTER 4. MEAT AND POULTRY INSPECTION

Article 1. Definitions and Short Title

18650. This chapter shall be known as the California Meat and Poultry Inspection Act.

18651. Unless the context otherwise requires, the definitions in this article govern the construction of this chapter.

18652. "Adulterated" means any livestock product or poultry product which is in violation of Article 4 (commencing with Section 18751) of this chapter.

18653. "Animal food manufacturer" means any person that is engaged in the business of preparing any animal food which is derived wholly or in part from any livestock or poultry carcass or any part or product of any such carcass.

18654. "Broker" means any person that is engaged in the business of buying or selling any livestock product or poultry product on commission, or otherwise negotiating any purchase or sale of any livestock product or poultry product, other than for his own account or as an employee of another person.

18655. "Capable of use as human food" means any livestock or poultry carcass, or any part or product of any such carcass, unless it is denatured or otherwise identified as required by the director to prevent its use as human food, or is naturally inedible by humans.

18656. "Container" or "package" means any box, can, tin, cloth, plastic, or other receptacle, wrapper, or cover.

18657. "Federal acts" means the Federal Meat Inspection Act and Federal Poultry Products Inspection Act.

18658. "Federal Food, Drug, and Cosmetic Act" means the act so entitled, approved June 25, 1938 (52 Stat. 1040; 21 U.S.C., Sec. 301 et seq.), and acts amendatory thereof or supplementary thereto.

18659. "Federal Meat Inspection Act" means the act so entitled approved March 4, 1907 (34 Stat. 1260; 21 U.S.C., Sec. 71 et seq.), as amended by the Wholesome Meat Act (81 Stat. 584; 21 U.S.C., Sec. 601 et seq.).

18660. "Federal Poultry Products Inspection Act" means the act so entitled approved August 28, 1957 (71 Stat. 441; 21 U.S.C., Sec. 451 et seq.), as amended by the Wholesome Poultry Products Act (82 Stat. 791; 21 U.S.C., Sec 451 et seq.).

18661. "Inspector" means an employee of the department authorized to perform any inspection function under this chapter.

18662. "Label" means a display of written, printed, or graphic matter upon any article or the immediate container of any article It does not, however, include package liners.

18663. "Livestock" means any cattle, sheep, swine, goat, or any horse, mule or other equine, whether live or dead.

18664. "Livestock product" means any carcass, part of a carcass, meat, or meat food product of any livestock.

18665. "Meat food product" means any product which is capable of use as human food that is made wholly or in part from any meat or other portion of the carcass of any cattle, sheep, swine, or goat. The director may exempt from this definition any product which contains meat or any other portion of such a carcass only in a relatively small proportion which is found by the director not to be a product of the meat food industry for the purposes of this chapter, under such conditions as he may prescribe to assure that the meat or other portion of such carcass which is contained in such product is not adulterated and that such product is not represented as a meat food product. The term meat food product, as applied

to any food product of any equine, has the same meaning as is provided in this paragraph with respect to meat food products of cattle, sheep, swine, and goats.

18666. "Misbranded" means any livestock product or poultry product which is in violation of Article 5 (commencing with Section 18781) of this chapter.

18667. "Official certificate" means any certificate which is prescribed by regulations of the director for issuance by an inspector or other person performing official functions under this chapter.

18668. "Official device" means any device which is prescribed or authorized by the director for use in applying any official mark.

18669. "Official establishment" means any establishment at which inspection of the slaughter of livestock or poultry, or the preparation of any livestock product or poultry product, is maintained under the authority of this chapter.

18670. "Official inspection legend" means any symbol which is prescribed by the director that shows that an article was inspected and passed in accordance with this chapter.

18671. "Official mark" means the official inspection legend or any other symbol which is prescribed by the director to identify the status of any article or livestock or poultry under this chapter.

18672. "Person" includes any individual, partnership, corporation, association, or other business unit, and any officer, agent, or employee thereof.

18673. "Pesticide chemical," "food additive," "color additive," and "raw agricultural commodity" shall have the same meanings as under the Federal Food, Drug, and Cosmetic Act.

18674. "Prepared" means slaughtered, canned, salted, stuffed, rendered, boned, cut up, or otherwise manufactured or processed.

18675. "Poultry" means any domesticated bird, whether live or dead.

18676. "Poultry product" means any poultry carcass, any part of a poultry carcass, or any product which is made wholly or in part from any poultry carcass or any part of a poultry carcass. The director may exempt from this definition any product which contains any poultry ingredient only in a relatively small proportion which is found by him not to be a product of the poultry food industry for the purposes of this chapter, under such condition as he may prescribe to assure that the poultry ingredient in such product is not adulterated and that such product is not represented as a poultry product.

18677. "Renderer" means any person that is engaged in the business of rendering any livestock or poultry carcass, or any part or product of such a carcass, except rendering conducted under inspection or exemption under this chapter.

Article 2. General Provisions

18691. Meat, meat food products, poultry, and poultry products are an important source of the nation's total supply of food. It is essential in the public interest that the health and welfare of consumers be protected by assuring that meat, meat food products, slaughtered poultry, and poultry products, distributed to them are wholesome, not adulterated, and properly marked, labeled, and packaged. Unwholesome, adulterated, or misbranded meat, meat food products, poultry, or poultry products, are injurious to the public welfare, destroy markets for wholesome, not adulterated and properly labeled and packaged meat, meat food products, poultry, and poultry products, and result in sundry losses to livestock and poultry producers and processors of meat, meat food products, poultry, and poultry products, as well as injury to consumers. Unwholesome, adulterated, mislabeled, or deceptive packaged articles can be sold at lower prices and compete unfairly with wholesome, not adulterated, and properly labeled and packaged articles, to the detriment of consumers and the public generally. It is hereby found that regulation by the director and cooperation by this state and the United States as contemplated by this chapter are appropriate to protect the health and welfare of consumers and otherwise effectuate the purposes of this chapter.

18692. It is the objective of this chapter to provide for meat and poultry products inspection programs that will impose and enforce requirements with respect to intrastate operations and commerce that are at least equal to those imposed and enforced under the Federal Meat Inspection Act and the Federal Poultry Products Inspection Act with respect to operations and transactions in interstate commerce. The director shall administer this chapter so as to accomplish this purpose. The Department of Agriculture is designated as the appropriate state agency to cooperate with the Secretary of Agriculture of the United States in administration of this chapter.

18693. The regulations which are adopted pursuant to this chapter shall conform, so far as possible, to the rules, regulations, and standards of the United States Department of Agriculture which govern the inspection, preparation, and processing of livestock and livestock products and poultry and poultry products.

Notwithstanding any provision of law to the contrary, the director may adopt, by regulation, standards and requirements equal to those of the federal acts, 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 the Secretary of Agriculture of the United States to enforce such standards and requirements in this state.

18694. The provisions of this chapter apply to any person, establishment, animal, or article regulated under the federal acts only to the extent provided for in such federal acts. The exemptions provided in the federal acts are, however, applicable to this chapter insofar as they are not contrary to provisions of this division and Chapter 3.5 (commencing with Section 27000) of Division 21 of the Health and Safety Code.

18695. If slaughtering or carcass preparation or processing of any meat, meat products, poultry, or poultry product 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 inspection work during the overtime periods.

18696. The director may cooperate with the Secretary of Agriculture of the United States in administration of this chapter to effectuate the purposes stated in Sections 18691 and 18692, accept federal assistance for that purpose and spend public funds of this state appropriated for administration of this chapter to pay the state's proportionate share of the estimated total cost of the cooperative program.

18697. The director may do all of the following:

(a) Recommend to the Secretary of Agriculture of the United States for appointment to the advisory committees provided for in the federal acts, such officials or employees of the department as the director shall designate.

(b) Serve as the representative of the Governor for consultation with the Secretary of Agriculture under the Federal Meat Inspection Act and the Federal Poultry Products Inspection Act.

Article 3. Inspections and Regulations

18721. To accomplish the purposes of Article 2 (commencing with Section 18691) of this chapter, the director shall require ante mortem and post mortem inspections, quarantine, segregation, and reinspections with respect to the slaughter of any livestock or poultry, or the preparation of any livestock product or poultry product at every establishment in this state, except an establishment which is exempted by him under Section 18811, at which livestock or poultry are slaughtered, or any livestock product or poultry product, is prepared for human food solely for distribution in intrastate commerce.

18722. The director shall require the identification of livestock and poultry for inspection purposes, and the marking and labeling of any livestock product or poultry product or its containers, or both, as either:

(a) "California Inspected and Passed," if the product is found upon inspection to be not adulterated.

(b) "California Inspected and Condemned," if the product is found upon inspection to be adulterated. The destruction for food purposes of any product condemned under this subdivision shall be under the supervision of an inspector.

18723. The director shall prohibit the entry into official establishments of any livestock product or poultry product which was not prepared under federal inspection or inspection pursuant to this chapter and further limit the entry of any such product or other materials into such establishments under such conditions as he deems necessary to effectuate the purposes of this chapter.

18724. The director shall require that when any livestock product or poultry product leaves official establishments it shall bear directly thereon or on its containers, or both, as he may require, all information required under Article 5 (commencing with Section 18781) and require approval of all labeling and containers to be used for such product when it is sold or transported in intrastate commerce to assure that the product and the labeling and containers comply with the requirements of this chapter.

18725. The director shall investigate the sanitary conditions of each establishment required to have inspection under Section 18721 and shall withdraw or otherwise refuse to provide inspection service at any establishment where the sanitary conditions are such as to render adulterated any livestock product or poultry product which is prepared or handled at the establishment. No such establishment shall be operated without inspection.

18726. The director shall prescribe sanitation requirements for all establishments required to have inspection under Section 18721.

18727. The director shall require the following classes of persons to keep such records and for such periods as he may specify, to fully and correctly disclose all transactions involved in their business, and afford to the director and his representatives, access to such places of business, and opportunity, at all reasonable times, to examine the facilities, inventory and such records, to copy the records, and to take reasonable samples of the inventory:

(a) Any person that engages in intrastate commerce in the business of slaughtering any livestock or poultry, or preparing, freezing, packaging or labeling, buying or selling (as brokers, wholesalers or otherwise), transporting, or storing any livestock product or poultry product which is intended for human or animal food.

(b) Any person that engages in intrastate commerce in the business of rendering or in the buying, selling, or transporting of any dead, dying, disabled, or diseased livestock or poultry, or any part of the carcass of any such animal (including poultry) that died otherwise than by slaughter.

18728. The director may refuse to provide inspection service to any establishment that fails to destroy any condemned

product as required pursuant to Section 18722 and any regulation promulgated thereunder.

18729. The director may refuse to provide inspection service under this chapter with respect to any establishment for any cause specified in Section 401 of the Federal Meat Inspection Act (21 U.S.C., Sec. 671) or Section 18 of the Federal Poultry Products Inspection Act (21 U.S.C., Sec. 467).

18730. The director may order any labeling or container to be withheld from use if he determines that the labeling is false or misleading or the container is of a misleading size or form.

18731. The director may prescribe the size and style of any type which is to be used for labeling information required pursuant to this chapter, and definitions and standards of identity or composition or standards of fill of container, consistent with federal standards, when he deems such action appropriate for the protection of the public and after consultation with the Secretary of Agriculture of the United States.

18732. The director may prescribe conditions of storage and handling of any livestock product or poultry product by any person engaged in the business of buying, selling, freezing, storing, or transporting such livestock or poultry product in intrastate commerce to assure that it will not be adulterated or misbranded when delivered to the consumer, including requirements that any vehicle used by any establishment which operates under state inspection for transporting any dressed carcass of any animal, including any poultry, intended for human consumption, any part of any such carcass, meat, meat food product, or poultry product inspected and marked pursuant to this chapter shall be maintained in a clean and sanitary condition and shall be regularly inspected by an inspector stationed at the establishment.

18733. Equines shall be slaughtered and prepared in establishments separate from any establishment where any other livestock is slaughtered or any product of any other livestock is prepared.

18734. Every person that is engaged in business in intrastate commerce as a broker, renderer, animal food manufacturer, or wholesaler or public warehouseman of any livestock product or poultry product, or engaged in the business of buying, selling, or transporting in intrastate commerce, any dead, dying, disabled, or diseased livestock or poultry or any part of the carcass of any such animal, including any poultry, that died otherwise than by slaughter shall register with the director his name, the address of each place of business, and all trade names under which he conducts such business.

18735. The director may adopt, by reference or otherwise, such provisions of the rules and regulations under the federal acts, with such changes therein as he deems appropriate to make them applicable to operations and transactions subject to this chapter, which shall have the same force and effect

as if promulgated under this chapter, and promulgate such other regulations as he deems necessary for the efficient execution of the provisions of this chapter.

18736. The director may appoint and prescribe the duties of such inspectors and other personnel as he deems necessary for the efficient execution of the provisions of this chapter.

18737. No inspection of any product placed in any container at any official establishment shall be deemed to be complete until the product is sealed or enclosed in the container under the supervision of an inspector.

18738. For purposes of any inspection of any product required by this chapter, any inspector authorized by the director shall have access at all times, by day or night, to every part of every establishment required to have inspection under this chapter, whether the establishment is operating or not.

Article 4. Adulteration

18751. A livestock or poultry product is adulterated 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 livestock or poultry product shall not be considered adulterated if the quantity of such substance in or on such article does not ordinarily render it injurious to health.

18752. A livestock or poultry product is adulterated in each of the following cases:

(a) It bears or contains, by reason of administration of any substance to the livestock or poultry or otherwise any added poisonous or added deleterious substance, other than one which is: (1) a pesticide chemical in or on a raw agricultural commodity; (2) a food additive; or (3) a color additive; which may, in the judgment of the director, make such livestock or poultry product unfit for human food.

(b) It is, in whole or in part, a raw agricultural commodity and such commodity bears or contains any pesticide chemical which is unsafe within the meaning of Section 408 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C., Sec. 346a).

(c) It bears or contains any food additive which is unsafe within the meaning of Section 409 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C., Sec. 348).

(d) It bears or contains any color additive which is unsafe within the meaning of Section 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C., Sec. 376).

A livestock or poultry product which is not otherwise deemed adulterated pursuant to subdivision (b), (c), or (d) shall nevertheless be deemed adulterated if use of the pesticide chemical, food additive, or color additive in, or on, such livestock or poultry product is prohibited by the director in official establishments.

18753. A livestock or poultry product is adulterated if it consists, in whole or in part, of any filthy, putrid, or decom-

posed substance or is for any other reason unsound, unhealthful, unwholesome, or otherwise unfit for human food.

18754. A livestock or poultry product is adulterated if it has been prepared, packed, or held under unsanitary conditions by which it may have become contaminated with filth, or been rendered injurious to health.

18755. A livestock or poultry product is adulterated if it is, in whole or in part, the product of an animal, including any poultry, which has died otherwise than by slaughter.

18756. A livestock or poultry product is adulterated if its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents of the livestock or poultry product injurious to health.

18757. A livestock or poultry product is adulterated if it has been intentionally subjected to radiation, unless the use of the radiation was in conformity with a regulation or exemption in effect pursuant to Section 409 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C., Sec. 348).

18758. A livestock or poultry product is adulterated in each of the following cases:

(a) Any valuable constituent has been in whole or in part omitted or abstracted from the livestock or poultry product.

(b) Any substance has been substituted, wholly or in part, for any valuable constituent.

(c) Damage or inferiority has been concealed in any manner.

(d) Any substance has been added to the livestock or poultry product, or mixed or packed with it, so as to increase its bulk or weight, or reduce its quality or strength, or make it appear of a better value than it is.

18759. A livestock or poultry product is adulterated if it is margarine containing animal fat and any of the raw material used in it consisted, in whole or in part, of any filthy, putrid, or decomposed substance.

Article 5. Misbranding

18781. A livestock or poultry product is misbranded in each of the following cases:

(a) Its labeling is false or misleading in any particular.

(b) It is offered for sale under the name of another food.

(c) It is an imitation of another food, unless its label bears, in type of uniform size and prominence, the word "imitation" and immediately thereafter, the name of the food imitated.

(d) Its container is so made, formed, or filled as to be misleading.

18782. A livestock or poultry product is misbranded unless it bears a label showing all of the following:

(a) The name and place of business of the manufacturer, packer, or distributor.

(b) An accurate statement of the quantity of the product in terms of weight, measure, or numerical count.

The director may permit reasonable variations, exemptions as to small packages and exemptions as to any livestock product not in a container, that conforms to the purposes of this chapter.

18783. A livestock or poultry product is misbranded if any word, statement, or other information required by, or under authority of, this chapter to appear on the label or other labeling is not prominently placed thereon with such conspicuousness, as compared with other words, statements, designs, or devices, 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.

18784. A livestock or poultry product is misbranded if it purports to be, or is represented, as a food for which a definition and standard of identity or composition has been prescribed by the regulations of the director under Section 18731 unless it conforms to such definition and standard, and its label bears the name of the food specified in the definition and standard and, insofar as may be required by such regulations, the common names of optional ingredients, other than spices, flavoring, and coloring, present in such food.

18785. A livestock or poultry product is misbranded if it purports to be, or is represented as, a food for which a standard or standards of fill of container have been prescribed by regulations of the director under this chapter, and it falls below the standard of fill of container applicable thereto, unless its label bears, in such manner and form as such regulations specify, a statement that it falls below such standard.

18786. A livestock or poultry product is misbranded if it is not subject to the provisions of Section 18784, unless its label bears the common or usual name of the food, if any, and in case it consists of two or more ingredients, the common or usual name of each such ingredient. The director may, however, permit spices, flavorings, and colorings to be designated as spices, flavorings, and colorings without naming each, and to the extent that compliance with the requirements of Section 18784 are impracticable, or results in deception or unfair competition, by granting exemptions that conform to the purposes of this chapter.

18787. A livestock or poultry product is misbranded if it purports to be, or is represented to be, for special dietary uses, unless its label bears such information concerning its vitamin, mineral, and other dietary properties as the director, after consultation with the Secretary of Agriculture of the United States, determines is necessary to fully inform purchasers as to its value for such uses.

18788. A livestock or poultry product is misbranded if it bears or contains any artificial flavoring, artificial coloring, or chemical preservative, unless it is so indicated on the label. To the extent that compliance with the requirements of this section is impracticable, the director may establish exemptions that conform to the purposes of this chapter.

18789. A livestock or poultry product is misbranded if it fails to bear, directly upon the livestock or poultry product and on its container, as the director may prescribe, the official inspection legend and establishment number of the establishment where the product was prepared. The director may require such other information as he deems necessary to assure that the product will not have false or misleading labeling and that the public will be informed of the manner of handling required to maintain the livestock or poultry product in a wholesome condition.

Article 6. Exemptions

18811. For the purposes of Article 2 (commencing with Section 18691) of this chapter, the director may exempt the operations of any person from inspection or other requirements of this chapter to the extent such operations would be exempt from the corresponding requirements under the Federal Meat Inspection Act or the Federal Poultry Products Inspection Act if they were conducted in interstate commerce or if the state were designated as one in which the federal requirements apply to intrastate commerce by the federal acts.

18812. The director shall exempt from inspection the slaughtering and preparation by any person of any livestock or poultry of his own raising, exclusively for use by him, members of his household, his nonpaying guests, or employees, and may exempt any other operation which the director determines would best be exempted to further the purposes of this chapter, to the extent such exemption conforms to the Federal Meat Inspection Act and the Federal Poultry Products Inspection Act and the regulations thereunder.

18813. The director shall not provide inspection under this chapter at any establishment for the slaughter of livestock or poultry or the preparation of any livestock product or poultry product which is not intended for use as human food. Any such product, unless naturally inedible by humans, shall be denatured or otherwise identified as prescribed by the director, prior to being offered for sale or transportation in intrastate commerce, to prevent its use as human food, and shall be in compliance with Chapter 5 (commencing with Section 19200) of this part and Chapter 3.5 (commencing with Section 27000) of Division 21 of the Health and Safety Code.

18814. (a) This chapter shall apply to a retail store only to the same extent as the federal acts and regulations issued thereunder are applicable to retail stores, except as provided in subdivision (b).

(b) No livestock product or poultry product shall be prepared at any such retail store by curing, drying, smoking, or rendering, nor any livestock product of swine by cooking.

Article 7. Violations

18841. It is unlawful for any person to slaughter any livestock or poultry, or prepare any livestock or poultry product which is capable of use as human food, at any establishment preparing such article solely for intrastate commerce, except in compliance with the requirements of this chapter.

18842. It is unlawful for any person to sell, transport, offer for sale or transportation, or receive for transportation, in intrastate commerce, any article required to be inspected under this chapter, unless such article has been inspected and passed, or any livestock, poultry, livestock product, or poultry product which is capable of use as human food, which is adulterated or misbranded at the time of such sale, transportation, offer for sale or transportation, or receipt for transportation.

18843. It is unlawful for any person to do, with respect to any livestock, poultry, livestock product, or poultry product which is capable of use as human food, any act while it is being transported in intrastate commerce or held for sale after such transportation, which is intended to cause, or has the effect of causing, it to be adulterated or misbranded.

18844. It is unlawful for any person to sell, transport, offer for sale or transportation, or receive for transportation, in intrastate commerce, or from an official establishment, any slaughtered poultry from which the blood, feathers, feet, head, or viscera have not been removed in accordance with this chapter and regulations promulgated under this chapter.

18845. It is unlawful for any person to violate any provision of the regulations promulgated by the director under this chapter.

18846. It is unlawful for any brand manufacturer, printer, or other person to cast, print, lithograph, or otherwise make any device containing any official mark or simulation thereof, or any label bearing any such mark or simulation, or any form of official certificate or simulation thereof, except as authorized by the director under such conditions as he may prescribe to assure the accomplishments of the purposes of this chapter.

18847. It is unlawful for any person to do any of the following:

(a) Forge any official device, mark, or certificate.

(b) Without authorization from the director to use any official device, mark, or certificate, or simulation thereof, or alter, detach, deface, or destroy any official device, mark, or certificate.

(c) Contrary to the regulations of the director, fail to use, or to detach, deface, or destroy any official device, mark, or certificate.

(d) Knowingly possess, without promptly notifying the director or his representative, any official device or any counterfeit, simulated, forged, or improperly altered official certificate, or any device or label, or any carcass of any animal, including

any poultry, or part or product thereof, bearing any counterfeit, simulated, forged, or improperly altered official mark.

(e) Knowingly make any false statement in any shipper's certificate or other nonofficial or official certificate provided for in the regulations of the director.

(f) Knowingly represent that any article has been inspected and passed, or exempted, under this chapter when, in fact, it has, respectively, not been so inspected and passed, or exempted.

18848. It is unlawful for any person to sell any dressed carcass of any livestock or poultry which is intended for food purposes, or any prepared meat or meat food product or poultry product within the state unless it bears the "inspected and passed" stamp of federal inspection or state inspection applied at the establishment where the animal was slaughtered and at the establishment where the meat or meat food product, or poultry or poultry product was prepared or manufactured.

18849. It is unlawful for any person to sell, transport, offer for sale or transportation, or receive for transportation, in intrastate commerce, any carcass of any horse, mule, or other equine, or any part of any such carcass, or any meat or meat food product thereof, unless it is plainly and conspicuously marked, labeled, or otherwise identified as required by regulations of the director to indicate the animal from which it was derived, and is in compliance with Chapter 5 (commencing with Section 19200) of this part and Chapter 3.5 (commencing with Section 27000) of Division 21 of the Health and Safety Code.

18850. It is unlawful for any person to buy, sell, transport, or offer for sale or transportation, or receive for transportation, in intrastate commerce, any livestock product or poultry product which is not intended for use as human food, unless it is denatured or otherwise identified as required by the regulations of the director or is naturally inedible by humans, and is in compliance with Chapter 5 (commencing with Section 19200) of this part and Chapter 3.5 (commencing with Section 27000) of Division 21 of the Health and Safety Code.

18851. It is unlawful for any person engaged in the business of buying, selling, or transporting, in intrastate commerce, dead, dying, disabled, or diseased animals, or any parts of the carcasses of any animals that died otherwise than by slaughter to buy, sell, transport, offer for sale or transportation, or receive for transportation, in such commerce, any dead, dying, disabled, or diseased livestock or poultry, or any products of any such animal that died otherwise than by slaughter, unless such transaction or transportation, is made in accordance with such regulations as the director may prescribe to assure that such animal, or the part or product thereof, will be prevented from being used for human food purposes, and is in compliance with Chapter 5 (commencing with Section 19200) of this part and Chapter 3.5 (commencing

with Section 27000) of Division 21 of the Health and Safety Code.

18852. It is unlawful for any person to give, pay, or offer, directly or indirectly, to any officer or employee of this state authorized to perform any of the duties prescribed by this chapter or by the regulations of the director, any money or other thing of value, with intent to influence such officer or employee in the discharge of any such duty.

18853. It is unlawful for any officer or employee of this state authorized to perform any of the duties prescribed by this chapter to accept any money, gift, or other thing of value from any person, given with intent to influence his official action, or to receive or accept from any person engaged in intrastate commerce in meat food products or poultry products any gift, money, or other thing of value given with any purpose or intent whatsoever.

18854. It is unlawful for any person to forcibly assault, resist, oppose, impede, intimidate, or interfere with any person while engaged in or on account of the performance of his official duties under this chapter.

18855. It is unlawful for any person to neglect or refuse to attend and testify or to answer any lawful inquiry, or to produce documentary evidence, if such evidence is available to him, in obedience to the subpoena or lawful requirement of the director.

18856. It is unlawful for any person to willfully make, or cause to be made, any false entry or statement of fact in any report required to be made under this chapter or to willfully make, or cause to be made, any false entry in any account, record, or memorandum kept by any person subject to this chapter or to willfully neglect or fail to make, or to cause to be made, full, true, and correct entries in such accounts, records, or memoranda, of all facts and transactions appertaining to the business of such person. It is unlawful to willfully remove from the jurisdiction of this state, or willfully mutilate, alter, or by any other means falsify any documentary evidence of any person subject to this chapter or to willfully refuse to submit to the director or to any of his authorized agents, for the purpose of inspection and taking copies, any documentary evidence of any person subject to this chapter, which is in his possession or within his control.

18857. It is unlawful for any person required by this chapter to file any annual or special report to fail so to do within the time fixed by the director for filing the report.

Article 8. Products in Violation

18871. Since it cannot be determined with certainty, by any present known method of inspection, whether meat, including any poultry meat, is unwholesome unless the organs and other tissues of an animal are inspected when slaughtered, and as meat and meat food products, and poultry products which

are derived from uninspected livestock or poultry may be unfit for human food, the director, except as otherwise provided in this chapter, shall seize and destroy for human food purposes any meat, meat food product, or poultry product that does not bear the "inspected and passed" stamp, brand, mark, or label which is required by this chapter.

18872. Whenever any livestock product or poultry product or any product exempted from the definition of a livestock product and from the definition of a poultry product, or any dead, dying, disabled, or diseased livestock or poultry, is found by any authorized representative of the director upon any premises where it is held for purposes of, during, or after distribution in, intrastate commerce, or is otherwise subject to this chapter and there is reason to believe that any such article is adulterated or misbranded and is capable of use as human food, or that it has not been inspected, in violation of the provisions of this chapter or of the Federal Meat Inspection Act or the Federal Poultry Products Inspection Act or the Federal Food, Drug, and Cosmetic Act, or that such article or animal has been or is intended to be, distributed in violation of any such provisions, it may be detained by such representative for a period not to exceed 20 days, pending action under Section 18873 or notification of any federal authorities having jurisdiction over such article or animal, and shall not be moved by any person from the place at which it is located when so detained, until released by such representative. All official marks may be required by such representative to be removed from such article or animal before it is released unless it appears to the satisfaction of the director that the article or animal is eligible to retain such marks.

18873. Any livestock product or poultry product or any dead, dying, disabled, or diseased livestock or poultry that is being transported in intrastate commerce, or is otherwise subject to this chapter, or is held for sale in this state after such transportation shall be liable to be proceeded against, seized, and condemned, at any time, in any proper court within the jurisdiction of which such article or animal is found, in any of the following cases:

(a) The product is or has been prepared, sold, transported, or otherwise distributed or offered or received for distribution in violation of this chapter.

(b) The product is capable of use as human food and is adulterated or misbranded.

(c) In any other way is in violation of this chapter.

If such article or animal is condemned it shall, after entry of the decree, be disposed of by destruction or sale as the court may direct and if sold the proceeds, less the court costs and fees, and storage and other proper expenses, shall be paid into the State Treasury, but in no event shall the article or animal be sold contrary to the provisions of this chapter, or the Federal Meat Inspection Act or the Federal Poultry Products Inspection Act, or the Federal Food, Drug, and Cosmetic Act.

The court may direct that such article or animal be delivered to the owner upon the execution and delivery of a good and sufficient bond upon the condition that the article or animal shall not be sold or otherwise disposed of contrary to the provisions of this chapter, or the laws of the United States, and subject to such supervision by an authorized representative of the director as is deemed necessary to insure compliance with the applicable laws. When a decree of condemnation is entered against the article or animal and it is released under bond, or destroyed, court costs and fees, and storage and other proper expenses shall be awarded against the person, if any, intervening as claimant of such article or animal.

18874. The provisions of Section 18873 shall in no way derogate from authority for condemnation or seizure conferred by other provisions of this chapter, or other laws.

Article 9. Investigations

18901. The director may gather and compile information, and investigate the organization, business, conduct, practices, management, and the relation to other persons of any person subject to this chapter engaged in intrastate commerce.

18902. The director may require, by general or special orders, persons subject to this chapter engaged in intrastate commerce, to file with him, in such form as he may prescribe, annual or special, reports or answers in writing to specific questions, furnishing such information as he may require as to the organization, business, conduct, practices, management, and relation to other persons, of the person filing such reports or answers in writing. Such reports and answers shall be made under oath, or otherwise, as the director may prescribe, and shall be filed with the director within such time as he may prescribe.

18903. For the purpose of this chapter, the director shall at all reasonable times have access to examine and to copy any documentary evidence of any person being investigated or proceeded against, and may require by subpoena the attendance and testimony of witnesses and the production of all documentary evidence of any person relating to any matter under investigation. The director may sign subpoenas and may administer oaths and affirmations, examine witnesses, and receive evidence.

18904. Attendance of witnesses, and the production of documentary evidence, may be required at any designated place of hearing. In case of disobedience to a subpoena the director may invoke the aid of any superior court designated in requiring the attendance and testimony of witnesses and the production of documentary evidence.

18905. The superior court within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpoena issued to any person, issue an order requiring such person to appear before the director or to pro-

duce documentary evidence if so ordered, or to give evidence concerning the matter in question. Failure to obey such order of the court may be punished by such court as a contempt thereof.

18906. The director may order testimony to be taken by deposition in any proceeding or investigation pending under this chapter at any stage of such proceeding or investigation. Such depositions may be taken before any person designated by the director and having power to administer oaths. Such testimony shall be reduced to writing by the person taking the deposition, or under his direction and shall then be subscribed by the deponent. Any person may be compelled to appear and depose, and to produce documentary evidence in the same manner as witnesses may be compelled to appear and testify and produce documentary evidence before the director as previously provided.

18907. Witnesses summoned before the director shall be paid the same fees and mileage that are paid witnesses in the superior court of this state, and witnesses whose depositions are taken and the persons taking the same shall be entitled to the same fees as are paid for such services in such courts.

18908. No person shall be excused from attending and testifying, or from producing books, papers, schedules of charges, contracts, agreements, or other documentary evidence before the director or in obedience to the subpoena of the director, whether such subpoena be signed or issued by him or his delegate, or in any cause or proceeding, criminal or otherwise, based upon or growing out of any alleged violation of this chapter, on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him or it may tend to incriminate him or it or subject him or it to a penalty or forfeiture. No individual shall be prosecuted or subjected to a penalty or forfeiture for, or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that any individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

Article 10. Penalties

18931. Upon the issuance of an order of the director pursuant to Section 18725, 18728, 18729, or 18730, the operator of the establishment may seek administrative review before the director by filing his written request therefor within 10 days after issuance of the order. Proceedings for such administrative review, except as provided in this section, shall be in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code. The decision of the director shall be subject to judicial review pursuant to Section 11523 of the Government Code. Any order of the director issued pursuant to Section 18725, 18728, 18729, or

18730, shall remain in force during such administrative and judicial review.

18932. Any person who is found guilty of violating any of the provisions of this chapter or the regulations promulgated under this chapter is 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, 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 three years, or a fine of not more than ten thousand dollars ($10,000), or both such imprisonment and fine.

18933. Any person who, as principal or agent, employer or employee, adulterates any meat or meat food product or poultry product intended for sale as human food with the product of an animal which has died otherwise than by slaughter or the product of an animal which has not been slaughtered under inspection in accordance with this chapter, shall be guilty of a felony punishable by a fine of not less than ten thousand dollars ($10,000), or by imprisonment in the state prison for not less than one year, or both such imprisonment and fine.

18934. In addition to the remedies provided in this chapter, the department may bring an action in superior court and such court shall have jurisdiction upon hearing and for cause shown, to grant a temporary or permanent injunction restraining any person from violating any provision of this chapter or the rules and regulations promulgated under 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. The department shall not, however, 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. The court may require such acts or course of conduct as necessary to effectuate the purposes of this chapter.

18935. Nothing in this chapter shall be construed as requiring the director to report for prosecution or to institute injunction proceedings for any minor violation of this chapter whenever he believes that the public interest will be adequately served by a suitable written notice of warning, and compliance with such notice.

SEC. 3. Section 22002 of the Agricultural Code is amended to read:

22002. Any producer of cattle may slaughter or have slaughtered for him on his own premises, in small numbers, cattle of his own production and raising on his own premises for use exclusively by him, members of his household and his nonpaying guests and employees.

SEC. 4. Section 22003 of the Agricultural Code is repealed.

SEC. 5. Section 22005 of the Agricultural Code is amended to read:

22005. The skinning, splitting, and quartering of the cattle slaughtered pursuant to Section 22002 at a licensed frozen food locker plant does not require a slaughterer's license.

SEC. 6. Section 24502 is added to the Agricultural Code, to read:

24502. The provisions of Chapters 1 (commencing with Section 24501), 2 (commencing with Section 24651), and 3 (commencing with Section 24951), of Part 1 of Division 12 are not applicable to any poultry plant, or poultry product subject to requirements of plant sanitation and poultry meat product wholesomeness as provided in Chapter 4 (commencing with Section 18651) of Part 3 of Division 9.

SEC. 8. Section 24997 of the Agricultural Code is amended to read:

24997. If an action of an inspector in condemning any poultry meat or poultry meat product is questioned, appeal by the licensed plant operator may be made to the immediate supervisor of the inspector, and from his decision appeal may be made to the Chief of the Bureau of Meat Inspection whose decision is final.

SEC. 10. Section 25096 of the Agricultural Code is repealed.

SEC. 11. Section 25121 of the Agricultural Code is repealed.

SEC. 12. No money collected pursuant to this act shall be available for expenditure until appropriated by the Legislature.

SEC. 13. 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:

Efficient meat and poultry inspection is essential to assure a supply of wholesome poultry and meat. Due to technical inspection problems arising out of the differences between federal and state laws it is essential that this act go into effect immediately.

CHAPTER 1386

An act to add Sections 11017 and 14381 to the Government Code, relating to air pollution.

[Approved by Governor September 17, 1970. Filed with Secretary of State September 17, 1970.]

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

SECTION 1. Section 11017 is added to the Government Code, to read:

11017. Notwithstanding any other provision of law, each state agency in performing its duties shall comply with all local air pollution control rules, regulations, and ordinances, which are more stringent than any applicable state air pollution control statute, rule, or regulation.

In any area where neither any local air pollution control rules, regulations, or ordinances nor any state air pollution control statute, or rule or regulation adopted by the State Air Resources Board pursuant to Section 39054 of the Health and Safety Code, applies, the State Air Resources Board may adopt, after a public hearing, air pollution control rules and regulations for state agencies performing their duties in such areas, and each state agency in performing its duties in such area shall comply with such air pollution control rules and regulations.

SEC. 2. Section 14381 is added to the Government Code, to read:

14381. Every contract subject to this chapter shall contain a provision requiring each contractor to comply with all air pollution control rules, regulations, ordinances, and statutes which apply to any work performed pursuant to the contract, including any air pollution control rules, regulations, ordinances, and statutes specified in Section 11017.

CHAPTER 1387

An act to amend Section 18201 of, and add Section 18506.6 to, the Elections Code, relating to recount of ballots.

[Approved by Governor September 17, 1970. Filed with Secretary of State September 17, 1970.]

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

SECTION 1. Section 18201 of the Elections Code is amended to read:

18201. At any time after 5 o'clock p.m. on the day before the day of the election, the county clerk shall commence to process the absent voter ballots, and, on election day, the county clerk shall commence to count such ballots; provided that the results of the tally of such absentee ballots shall not be released until after the closing of the polls. This processing and counting shall be continuous and without adjournment until completed and the result thereof tallied and returned.

The term "canvass," as used in this chapter, means to process absent voter ballots in the manner specified in this chapter.

SEC. 2. Section 18506.6 is added to the Elections Code, to read:

18506.6. All ballots whether voted or not and any other relevant material shall be examined as part of any recount pursuant to this chapter or Chapter 2 (commencing with Section 22800) of Part 2 of Division 12.

CHAPTER 1388

An act to add Section 5004.1 to the Unemployment Insurance Code, relating to work incentive programs.

[Approved by Governor September 17, 1970 Filed with Secretary of State September 17, 1970]

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

SECTION 1. Section 5004.1 is added to the Unemployment Insurance Code, to read:

5004.1. The department shall conform to the following priorities in the promotion and implementation of work incentive programs as defined in Section 5004:

(1) An employment and training program.
(2) A special work projects program.
(3) An institutional and work experience training program.

CHAPTER 1389

An act to amend Section 1 of Chapter 52 of the Statutes of 1969, relating to emergency flood relief.

[Approved by Governor September 17, 1970 Filed with Secretary of State September 17, 1970]

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

SECTION 1. Section 1 of Chapter 52 of the Statutes of 1969 is amended to read:

Section 1. The sum of twenty-five million dollars ($25,000,000), or so much thereof as may be necessary, from the General Fund, in addition to the unexpended balance of the appropriation made by Item 446.7, Budget Act of 1958, as amended by Section 12, Budget Act of 1960, Section 11.4, Budget Act of 1967, and Section 10, Budget Act of 1968, is appropriated to the Department of Finance for expenditure for the purposes of the Emergency Flood Relief Law (Article 6 (commencing with Section 54150), Chapter 5, Part 1, Division 2, Title 5, Government Code) for damage or destruction to public real property, other than the repair, restoration, or replacement of streets, roads, and bridges, by storm and flood or flood conditions, including damage or destruction by flood conditions arising from tidal waves, which occurred between November 1, 1968 and October 1, 1969, and the local agency applies to the Department of Finance for an allocation of funds on or before December 31, 1969. The Legislature recognizes that federal legislation may be enacted appropriating additional funds for allocation to local agencies for the repair of local public facilities damaged or destroyed by storm and flood or flood conditions, in which case the expenditure of some

portion of the money appropriated by this section may not be necessary.

The money appropriated by this section shall remain available for expenditure pursuant to the Emergency Flood Relief Law without regard to fiscal years.

CHAPTER 1390

An act to amend Section 25505.1 of the Education Code, relating to junior colleges.

[Approved by Governor September 17, 1970 Filed with Secretary of State September 17, 1970.]

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

SECTION 1. Section 25505.1 of the Education Code is amended to read:

25505.1. Residence for junior college attendance purposes shall be determined in accordance with Government Code Sections 243 and 244 except that:

(a) If an unmarried minor resides with a parent, the residence of the minor shall be that of the parent with whom he is residing.

(b) The residence of an unmarried minor who for at least two years has been in the continuous direct care and control of and has lived with an adult resident of the state other than his parent, shall be that of such adult resident.

(c) A married woman may establish her own residence.

(d) An apprentice as defined in Section 3077 of the Labor Code may establish his own residence.

(e) Any minor child who has lived continuously in the state for more than 10 years immediately preceding the residence determination date as provided in Section 25505.2 shall be deemed to be a resident of California notwithstanding the place of abode or residence of either living parent or guardian of the minor child.

CHAPTER 1391

An act to amend Section 13128 of the Education Code, relating to teaching credentials.

[Approved by Governor September 17, 1970 Filed with Secretary of State September 17, 1970.]

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

SECTION 1. Section 13128 of the Education Code is amended to read:

13128. The State Board of Education is authorized to secure information, records, reports, and other data relative to the identification or fitness of any applicant for a life diploma

or a credential or for the renewal of a credential from any agency or department of the state and for that purpose, any provision of law to the contrary notwithstanding:

(a) The State Bureau of Criminal Identification and Investigation shall furnish, upon application of the State Board of Education, all information and records pertaining to any applicant of whom there is a record in its office.

(b) Each institution under the jurisdiction of the Department of Mental Hygiene shall furnish upon application of the State Board of Education and with the consent of the holder or applicant, all information and records pertaining to that holder or applicant of whom there is a record in its office.

The State Board of Education, upon written request of any private school authority, shall release to that private school authority information and other data relative to the identification or fitness of any applicant for a teaching position in the private school so long as not otherwise prohibited by any other privileged communication statutes.

CHAPTER 1392

An act to amend Sections 33200 and 34290 of, and to add Section 34284 to, the Health and Safety Code, relating to housing.

[Approved by Governor September 17, 1970. Filed with Secretary of State September 17, 1970.]

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

SECTION 1. Section 33200 of the Health and Safety Code is amended to read:

33200. As an alternative to the appointment of five members of the agency, the legislative body may, at the time of the adoption of an ordinance pursuant to Section 33101 or 33140 of this part, or at any time thereafter by adoption of an ordinance, declare itself to be the agency in which case, all the rights, powers, duties, privileges and immunities, vested by this part in an agency, except as otherwise provided in this article, shall be vested in the legislative body of the community.

SEC. 2. Section 34284 is added to the Health and Safety Code, to read:

34284. The governing body of any city or county may call upon the residents and existing community organizations within the area of jurisdiction of the governing body to form a community housing advisory committee comprising persons who, for at least six months, have been residents in or owned property in the area of the governing body's jurisdiction, and which is considered representative by the governing body. The members of the community housing advisory committee shall serve without compensation.

SEC. 3. Section 34290 of the Health and Safety Code is amended to read:

34290. As an alternative to the appointment of five commissioners of the authority, the governing body of any county or city, at the time of the adoption of a resolution pursuant to Section 34240 of this chapter or at any time thereafter, may declare itself to be the commissioners of the authority, in which case, all the rights, powers, duties, privileges and immunities, vested by this chapter in the commissioners of an authority, except as otherwise provided in this article, shall be vested in the governing body.

CHAPTER 1393

An act relating to the University of California, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 17, 1970. Filed with Secretary of State September 17, 1970.]

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

SECTION 1. For the 1970–1971 fiscal year, the Regents of the University of California, subject to the approval of the State Public Works Board, shall allocate the cash income received from the educational fee in the 1970–1971 fiscal year and designated by the regents for capital outlay purposes, for expenditure on projects within the following schedule:

I Health Science Facilities:	
Universitywide:	
(a) Programming and advance planning	200,000
(b) Preliminary planning for 1971–72 projects	125,000
Davis Medical:	
(c) Preliminary planning and working drawings for, construct and equip alterations to existing facilities and additional surge facilities	265,000
(d) Preliminary planning, working drawings for, facilities Sacramento Medical Center alterations, step 1	35,000
Irvine Medical:	
(e) Preliminary planning, working drawings for, construct and equip medical surge facilities, Orange County Medical Center	50,000
(f) Preliminary planning for medical sciences unit 2, campus hospital	300,000
San Diego Medical:	
(g) Construct clinical sciences building	1,257,000
(h) Preliminary planning for central chiller plant	25,000

San Francisco Medical:	
(i) Preliminary planning and working drawings for school of dentistry building	500,000
(j) Construct clinical faculty facilities at San Francisco General Hospital	243,000
II General Campus Facilities	
Construction, Equipment, and Alterations Projects:	
Berkeley Campus:	
(a) Construct and equip alterations and minor improvements	1,539,000
Davis Campus:	
(b) Construct and equip alterations and minor improvements	902,000
(c) Construct Wickson Hall addition	1,200,000
(d) Working drawings for academic office building	156,000
Irvine Campus:	
(e) Construct and equip alterations and minor improvements	97,000
(f) Working drawings for mathematics building	175,000
Los Angeles Campus:	
(g) Construct and equip alterations and minor improvements	727,000
(h) Working drawings for central utilities, central campus, step 1	18,000
Riverside Campus:	
(i) Construct and equip alterations and minor improvements	715,000
San Francisco Campus:	
(j) Construct and equip alterations and minor improvements	86,000
San Diego Campus:	
(k) Construct and equip alterations and minor improvements	1,028,000
(*l*) Working drawings for third college, academic unit 1	150,000
Santa Barbara Campus	
(m) Construct and equip alterations and minor improvements	389,000
(n) Working drawings for learning resources center	82,000
(o) Working drawings for multiuse building	113,000
Santa Cruz Campus:	
(p) Construct and equip alterations and minor improvements	334,000

(q) Construct social sciences unit 1	2,136,000
(r) Working drawings for university library unit 2	199,000
(s) Working drawings for physical education facilities	143,000
(t) Construct classroom unit 1	300,000
Total of schedule	13,489,000

SEC. 2. It is the intent of the Legislature in enacting this act that approximately three million dollars ($3,000,000) be allocated by the Regents of the University of California to health sciences facilities.

SEC. 2.5. The provisions of this act shall supersede and control over the provisions of Item 313.5 of the Budget Act of 1970 (Chapter 303, Statutes of 1970).

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 program contemplated by this act can be undertaken at the earliest possible time in the 1970–1971 fiscal year so that the facilities can be ready for occupancy or next phase of development, as the case may be, at the earliest possible time, it is necessary that this act take immediate effect.

CHAPTER 1394

An act to add Sections 131 and 453 to, to add Chapter 4 (commencing with Section 300) to Division 1 of, the Business and Professions Code, and to repeal Article 5 (commencing with Section 12050) of Chapter 1, Part 2, Division 3, Title 2 of the Government Code, relating to business and professions, including consumer affairs.

[Approved by Governor September 17, 1970. Filed with Secretary of State September 17, 1970.]

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

SECTION 1. Section 131 is added to the Business and Professions Code, to read:

131. Notwithstanding any other provision of law, no person shall serve more than two consecutive terms as a member of a board, commission, committee, or similarly constituted agency in the department, except that a member in office on the effective date of this section shall be eligible for appointment to two additional consecutive terms upon expiration of the term he is serving on the effective date of this section.

SEC. 3. Chapter 4 (commencing with Section 300) is added to Division 1 of the Business and Professions Code, to read:

CHAPTER 4. CONSUMER AFFAIRS

Article 1. General Provisions and Definitions

300. This chapter may be cited as the Consumer Affairs Act.

301. It is the intent of the Legislature and the purpose of this chapter to promote and protect the interests of the people as consumers. The Legislature declares that government advances the interests of consumers by facilitating the proper functioning of the free enterprise market economy through (a) educating and informing the consumer to insure rational consumer choice in the marketplace; (b) protecting the consumer from the sale of goods and services through the use of deceptive methods, acts, or practices which are inimical to the general welfare of consumers; (c) fostering competition; and (d) promoting effective representation of consumers' interests in all branches and levels of government.

302. As used in this chapter, the following terms have the following meanings:

(a) "Department" means the Department of Consumer Affairs.

(b) "Director" means the Director of the Department of Consumer Affairs.

(c) "Consumer" means any individual who seeks or acquires, by purchase or lease, any goods, services, money, or credit for personal, family, or household purposes.

(d) "Person" means an individual, partnership, corporation, association, or other group, however organized.

(e) "Individual" does not include a partnership, corporation, association, or other group, however organized.

Article 2. Director and Employees

305. The director shall administer and enforce the provisions of this chapter. Every power granted or duty imposed upon the director under this chapter may be exercised or performed in the name of the director by a deputy or assistant director, subject to such conditions and limitations as the director may prescribe.

306. The director, in accordance with the State Civil Service Act, may appoint and fix the compensation of such clerical or other personnel as may be necessary to carry out the provisions of this chapter. All such personnel shall perform their respective duties under the supervision and the direction of the director.

Article 3. Powers and Duties

310. The director shall have the following powers and it shall be his duty to:

(a) Recommend and propose the enactment of such legislation as necessary to protect and promote the interests of consumers.

(b) Represent the consumer's interests before federal and state legislative hearings and executive commissions.

(c) Assist, advise, and cooperate with federal, state, and local agencies and officials to protect and promote the interests of consumers.

(d) Study, investigate, research, and analyze matters affecting the interests of consumers.

(e) Hold public hearings, subpoena witnesses, take testimony, compel the production of books, papers, documents, and other evidence, and call upon other state agencies for information.

(f) Propose and assist in the creation and development of consumer education programs.

(g) Promote ethical standards of conduct for business and consumers and undertake activities to encourage public responsibility in the production, promotion, sale and lease of consumer goods and services.

(h) Advise the Governor and Legislature on all matters affecting the interests of consumers.

(i) Exercise and perform such other functions, powers and duties as may be deemed appropriate to protect and promote the interests of consumers as directed by the Governor or the Legislature.

311. The director may create an interdepartmental committee to assist and advise him in the implementation of his duties. The members of such committee shall consist of the heads of state departments, or their designees. Members of such committee shall serve without compensation but shall be reimbursed for the expenses actually and necessarily incurred by them in the performance of their duties.

312. The director shall submit to the Governor and the Legislature during the month of December prior to each regular session of the Legislature a full and accurate report of the activities of the department relating to consumer affairs. Such report shall include recommendations, when appropriate, for legislation which will protect and promote the interests of consumers. A copy shall be filed with the Secretary of State.

Article 3.5. Consumer Advisory Council

315. There is in the department a Consumer Advisory Council.

316. (a) The Consumer Advisory Council consists of five members appointed by the Governor, two of whom shall represent business, one of whom shall represent labor, and two of whom shall represent voluntary consumer agencies.

(b) One Member of the Senate, appointed by the Senate Committee on Rules, and one Member of the Assembly, appointed by the Assembly Rules Committee 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 this chapter such Members of the Legislature shall constitute a joint legislative committee on the subject of this chapter and shall have the powers and duties imposed upon such committee by the Joint Rules of the Senate and Assembly.

317. (a) The Governor shall, on or before July 15, 1971, make the required appointments to the council. The terms of the members first appointed shall expire as follows, to be determined by lot: two members, July 15, 1972; two members, July 15, 1973, and one member, July 15, 1974. Thereafter, each appointment shall be for a four-year term.

(b) No member shall serve more than two consecutive terms.

(c) The members of the council shall serve without compensation but shall be reimbursed for the expenses actually and necessarily incurred by them in the performance of their duties. All meetings of the council shall be open and public, and all persons shall be permitted to attend any meeting of the council.

318. The Consumer Advisory Council shall recommend to the director the enactment of such legislation as it deems necessary to protect and promote the interests of the people as consumers, and shall make such studies as it deems necessary, or as directed by the Governor or the director and may render reports thereon from time to time to the people of the state.

319. In carrying out the provisions of this chapter, the Consumer Advisory Council, with the approval of the director shall hold public hearings and call upon other state agencies for information.

Article 4. Representation of Consumers

320. Whenever there is pending before any state commission, regulatory agency, department, or other state agency, or any state or federal court, any matter or proceeding which does not involve the adjudication of an alleged violation by any person named as a defendant or respondent or the suspension or revocation of a license issued by any agency of the state and the director finds that the determination of such matter or proceeding may affect substantially the interests of consumers within California, the director, or the Attorney General at the request of the director, may intervene in such matter or proceeding in any appropriate manner to represent the interests of consumers. The director, or any officer or employee designated by the director for that purpose, or the Attorney General, may thereafter present to such agency, court, or department, in conformity with the rules of practice and procedure thereof, such evidence and argument as he shall determine to be necessary for the effective protection of the interests of consumers.

Article 5. Consumer Complaints

325. It shall be the duty of the director to receive complaints from consumers concerning (a) unfair methods of competition and unfair or deceptive acts or practices undertaken by any person in the conduct of any trade or commerce; (b) the production, distribution, sale, and lease of any goods and services undertaken by any person which may endanger the public health, safety, or welfare; (c) violations of provisions of this code relating to businesses and professions licensed by any agency of the department, and regulations promulgated pursuant thereto; and (d) other matters consistent with the purposes of this chapter, whenever appropriate.

326. (a) Upon receipt of any complaint pursuant to Section 325, the director may notify the person against whom the complaint is made of the nature of the complaint and may request appropriate relief for the consumer.

(b) The director shall also transmit any valid complaint to the state or federal agency whose authority provides the most effective means to secure such relief.

The director shall, if appropriate, advise the consumer of the action taken on the complaint and of any other means which may be available to the consumer to secure relief.

(c) If the director receives a complaint or receives information from any source indicating a probable violation of any law or rule or order of any regulatory agency of the state, or if a pattern of complaints from consumers develops, the director shall transmit any complaint he considers to be valid to any appropriate law enforcement or regulatory agency any evidence or information he may have concerning such probable violation or pattern of complaints or request the Attorney General to undertake appropriate legal action. It shall be the continuing duty of the director to discern patterns of complaints and to ascertain the nature and extent of action taken with respect to such probable violations or pattern of complaints.

327 The director shall submit to the Governor and the Legislature as part of his annual report information concerning his activities pursuant to Section 326, including the number and general patterns of consumer complaints, the action taken on such complaints, the results of such action, if available, and recommendations which will further the state's capability to resolve consumer complaints.

Article 6. Information

335. The director shall disseminate to the public in such form and manner as he deems most appropriate information, statistics, and other data concerning the following:

(a) Functions, duties, powers, and activities of the department and of those agencies whose authority provides relief from commercial and trade practices which are inimical to the interests of the consumer.

(b) Commercial and trade practices which are detrimental to consumers.

(c) Goods and services which are unsafe, unhealthful or inimical to the general welfare of consumers.

(d) General economic conditions.

(e) Test results, analyses, and studies of consumer products and services in the possession of state and federal agencies.

(f) Consumer education which the director may develop on his own initiative or obtain from other sources.

(g) Legislation of interest to consumers.

336. The director shall include as part of his annual report information regarding his activities pursuant to this article and his success in obtaining and disseminating information with respect to information available from other departments of the state.

SEC. 4. Section 453 is added to the Business and Professions Code, to read:

453. Notwithstanding any other provision of this code, the Governor shall appoint additional public members to the boards, commissions, and committees within the department in accordance with subdivisions (a) and (b) of this section. The terms of the first such members so appointed shall expire on the same date in 1973 that the terms of the other members of their respective boards, commissions, or committees expire. Thereafter, such members shall be appointed for four-year terms expiring on the same date that the terms of the other members of their respective boards, commissions, or committees expire. Vacancies shall be filled for the unexpired term.

(a) The Governor shall appoint one additional public member to each of the following:

(1) The State Board of Accountancy.

(2) The California State Board of Architectural Examiners.

(3) The State Board of Barber Examiners.

(4) The Cemetery Board.

(5) The Contractors' State License Board.

(6) The State Board of Cosmetology.

(7) The State Board of Registration for Professional Engineers.

(8) The State Board of Funeral Directors and Embalmers.

(9) The California State Board of Landscape Architects.

(10) The California Board of Nursing Education and Nurse Registration.

(11) The State Board of Optometry.

(12) The Physical Therapy Examining Committee.

(13) The Podiatry Examining Committee.

(14) The Psychology Examining Committee.

(15) The Structural Pest Control Board.

(16) The Board of Examiners in Veterinary Medicine.

(17) The Designers' Qualifications Advisory Committee.

(b) The Governor shall appoint two additional public members to the Board of Osteopathic Examiners.

SEC. 5. Section 453 is added to the Business and Professions Code, to read:

453. Notwithstanding any other provision of this code, the Governor shall appoint additional public members to the boards, commissions, and committees within the department in accordance with subdivisions (a) and (b) of this section. The terms of the first such members so appointed shall expire on the same date in 1973 that the terms of the other members of their respective boards, commissions, or committees expire. Thereafter, such members shall be appointed for four-year terms expiring on the same date that the terms of the other members of their respective boards, commissions, or committees expire. Vacancies shall be filled for the unexpired term.

(a) The Governor shall appoint one additional public member to each of the following:

(1) The California Board of Nursing Education and Nurse Registration.

(2) The State Board of Optometry.

(3) The Physical Therapy Examining Committee.

(4) The Podiatry Examining Committee.

(5) The Psychology Examining Committee.

(6) The Board of Examiners in Veterinary Medicine.

(b) The Governor shall appoint two additional public members to the Board of Osteopathic Examiners.

SEC. 6. Section 453 is added to the Business and Professions Code, to read:

453. (a) Notwithstanding any other provision of this code, the Governor shall appoint additional public members to the boards, commissions, and committees within the department in accordance with subdivision (b) of this section. The terms of the first such members so appointed shall expire on the same date in 1973 that the terms of the other members of their respective boards, commissions, or committees expire. Thereafter, such members shall be appointed for four-year terms expiring on the same date that the terms of the other members of their respective boards, commissions, or committees expire. Vacancies shall be filled for the unexpired term.

(b) The Governor shall appoint one additional public member to each of the following:

(1) The State Board of Accountancy.

(2) The California State Board of Architectural Examiners.

(3) The State Board of Barber Examiners.

(4) The Cemetery Board.

(5) The Contractors' State License Board.

(6) The State Board of Cosmetology.

(7) The State Board of Registration for Professional Engineers.

(8) The State Board of Funeral Directors and Embalmers.

(9) The California State Board of Landscape Architects.

(10) The Structural Pest Control Board.

(11) The Designers' Qualifications Advisory Committee.

SEC. 7. Article 5 (commencing with Section 12050) of Chapter 1 of Part 2 of Division 3 of Title 2 of the Government Code is repealed.

SEC. 8. The Department of Consumer Affairs succeeds to the duties, powers, purposes, responsibilities, and jurisdiction vested in the Office of Consumer Counsel by Article 5 (commencing with Section 12050) of Chapter 1 of Part 2 of Division 3 of Title 2 of the Government Code.

SEC. 9. The Department of Consumer Affairs may use the unexpended balances of funds available for use by the Office of Consumer Counsel in the Agriculture and Services Agency in connection with the performance of the functions of the Office of Consumer Counsel in the Agriculture and Services Agency that are vested in the Department of Consumer Affairs by this act. Such funds shall be used by the Department of Consumer Affairs only for the purposes for which they were originally appropriated or otherwise made available to the Office of Consumer Counsel in the Agriculture and Services Agency.

SEC. 10. The Department of Consumer Affairs shall have the possession and control of all records, papers, offices, equipment, supplies, moneys, funds, appropriations, land and other property, real or personal, held for the benefit or use of the Office of Consumer Counsel in the Agriculture and Services Agency in the performance of the duties, powers, purposes, responsibilities, and jurisdiction of the Office of Consumer Counsel that are vested in the Department of Consumer Affairs by this act.

SEC. 11. In the event the Governor's Reorganization Plan No. 2 of 1970 does not become effective or operative, then all references in this act to the Department of Consumer Affairs or to the Director of Consumer Affairs shall be construed to be references to Department of Professional and Vocational Standards or to the Director of Professional and Vocational Standards, as the case may be.

SEC. 12. It is the intent of the Legislature that in the event neither the Governor's Reorganization Plan No. 1 of 1970 nor the Governor's Reorganization Plan No. 2 of 1970 becomes effective, Section 453 of the Business and Professions Code as set forth in Section 4 of this act shall become operative, and Section 453 of the Business and Professions Code as added by Sections 6 and 5 of this act are repealed.

SEC. 13. It is the intent of the Legislature that in the event the Governor's Reorganization Plan No. 1 of 1970 becomes effective and the Governor's Reorganization Plan No. 2 of 1970 does not become effective, Section 453 of the Business and Professions Code as set forth in Section 6 of this act shall become operative, and Section 453 of the Business and Professions Code as added by Sections 4 and 5 of this act are repealed, and any provisions of the Governor's Reorganiza-

tion Plan No. 1 which change the public membership of any of the boards, commissions, and committees referred to in Section 6 of this act or are inconsistent with any other provisions of this act are repealed.

SEC. 14. It is the intent of the Legislature that in the event the Governor's Reorganization Plan No. 2 of 1970 becomes effective and the Governor's Reorganization Plan No. 1 of 1970 does not become effective, Section 453 of the Business and Professions Code as set forth in Section 5 of this act shall become operative, and Section 453 of the Business and Professions Code as added by Sections 4 and 6 of this act are repealed, and any provisions of the Governor's Reorganization Plan No. 2 which change the public membership of any of the boards, commissions, and committees referred to in Section 5 of this act or are inconsistant with any other provisions of this act are repealed.

SEC. 15. It is the intent of the Legislature that in the event both the Governor's Reorganization Plan No. 1 of 1970 and the Governor's Reorganization Plan No. 2 of 1970 become effective, Section 453 of the Business and Professions Code as set forth in Sections 4, 5, and 6 of this act are repealed.

SEC. 16. Should Governor's Reorganization Plan No. 2 of 1970 become effective, any agency within the Department of Consumer Affairs which has investigative personnel subject to transfer pursuant to Section 159.5 of the Business and Professions Code may retain 10 percent of such personnel, and in no case less than one, as investigative consultants at their present rate of pay.

SEC. 17. This act shall become operative July 1, 1971.

CHAPTER 1395

An act to amend Section 13408 of the Education Code, relating to immediate suspension of permanent employees.

[Approved by Governor September 17, 1970. Filed with Secretary of State September 17, 1970.]

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

SECTION 1. Section 13408 of the Education Code is amended to read:

13408. Upon the filing of written charges, duly signed and verified by the person filing them with the governing board of a school district, or upon a written statement of charges formulated by the governing board, charging a permanent employee of the district with immoral conduct, conviction of a felony or of any crime involving moral turpitude, with incompetency due to mental disability, with willful refusal to perform regular assignments without reasonable cause, as prescribed by rules and regulations of the employing school district, with violation of Section 8455 of this code, with know-

ing membership by the employee in the Communist Party or with violation of any provision in Sections 12952 to 12958, inclusive, of this code, the governing board may, if it deems such action necessary, immediately suspend the employee from his duties and give notice to him of his suspension, and that 30 days after service of the notice, he will be dismissed, unless he demands a hearing.

If the permanent employee is suspended upon charges of knowing membership by the employee in the Communist Party or for any violation of Section 8455, 12952, 12953, 12954, 12957 or 12958 of this code, he may within 10 days after service upon him of notice of such suspension file with the governing board a verified denial, in writing, of the charges. In such event the permanent employee who demands a hearing within the 30-day period shall continue to be paid his regular salary during the period of suspension and until the entry of the superior court judgment, if and during such time as he furnishes to the school district a suitable bond, or other security acceptable to the governing board, as a guarantee that the employee will repay to the school district the amount of salary so paid to him during the period of suspension in case the superior court judgment is that he may be dismissed. If the judgment determines that the employee may not be dismissed, the school district shall reimburse the employee for the cost of the bond.

CHAPTER 1396

An act to amend Sections 1010 and 1012 of, and to add Sections 1027 and 1028 to, the Evidence Code, relating to evidence.

[Approved by Governor September 18, 1970. Filed with Secretary of State September 18, 1970.]

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

SECTION 1. Section 1010 of the Evidence Code is amended to read:

1010. As used in this article, "psychotherapist" means:

(a) A person authorized, or reasonably believed by the patient to be authorized, to practice medicine in any state or nation who devotes, or is reasonably believed by the patient to devote, a substantial portion of his time to the practice of psychiatry;

(b) A person licensed as a psychologist under Chapter 6.6 (commencing with Section 2900) of Division 2 of the Business and Professions Code;

(c) A person licensed as a clinical social worker under Article 4 (commencing with Section 9040) of Chapter 17 of Division 3 of the Business and Professions Code, when he is engaged in applied psychotherapy of a nonmedical nature.

SEC 1.5. Section 1010 of the Evidence Code is amended to read:

1010. As used in this article, "psychotherapist" means:

(a) A person authorized, or reasonably believed by the patient to be authorized, to practice medicine in any state or nation who devotes, or is reasonably believed by the patient to devote, a substantial portion of his time to the practice of psychiatry;

(b) A person licensed as a psychologist under Chapter 6.6 (commencing with Section 2900) of Division 2 of the Business and Professions Code;

(c) A person licensed as a clinical social worker under Article 4 (commencing with Section 9040) of Chapter 17 of Division 3 of the Business and Professions Code, when he is engaged in applied psychotherapy of a nonmedical nature.

(d) A person who is serving as a school psychologist and holds a credential authorizing such service issued by the State Board of Education.

SEC. 2. Section 1012 of the Evidence Code is amended to read:

1012. As used in this article, "confidential communication between patient and psychotherapist" means information, including information obtained by an examination of the patient, transmitted between a patient and his psychotherapist in the course of that relationship and in confidence by a means which, so far as the patient is aware, discloses the information to no third persons other than those who are present to further the interest of the patient in the consultation, or those to whom disclosure is reasonably necessary for the transmission of the information or the accomplishment of the purpose for which the psychotherapist is consulted, and includes a diagnosis made and the advice given by the psychotherapist in the course of that relationship.

SEC. 3. Section 1027 is added to the Evidence Code, to read:

1027. There is no privilege under this article if all of the following circumstances exist:

(a) The patient is a child under the age of 16.

(b) The psychotherapist has reasonable cause to believe that the patient has been the victim of a crime and that disclosure of the communication is in the best interest of the child.

SEC. 4. Section 1028 is added to the Evidence Code, to read:

1028. Unless the psychotherapist is a person described in subdivision (a) or (b) of Section 1010, there is no privilege under this article in a criminal proceeding.

SEC. 5. It is the intent of the Legislature, if the amendments to Section 1010 of the Evidence Code proposed by both this bill and Senate Bill No. 481 are enacted, that both amendments be given effect and incorporated into Section 1010 of that code. Therefore, in the event Senate Bill No. 481 is

enacted and amends Section 1010 of the Evidence Code, Section 1.5 of this act shall become operative at the same time that Section 1010 as amended by Senate Bill No. 481 becomes operative, and, at that time, Section 1010 as amended by Section 1 of this act is repealed.

CHAPTER 1397

An act to amend Sections 1010 and 1012 of, and to add Sections 1027 and 1028 to, the Evidence Code, relating to evidence.

[Approved by Governor September 18, 1970. Filed with Secretary of State September 18, 1970.]

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

SECTION 1. Section 1010 of the Evidence Code is amended to read:

1010. As used in this article, "psychotherapist" means:

(a) A person authorized, or reasonably believed by the patient to be authorized, to practice medicine in any state or nation who devotes, or is reasonably believed by the patient to devote, a substantial portion of his time to the practice of psychiatry; or

(b) A person licensed as a psychologist under Chapter 6.6 (commencing with Section 2900) of Division 2 of the Business and Professions Code; or

(c) A person who is serving as a school psychologist and holds a credential authorizing such service issued by the State Board of Education.

SEC. 1.5. Section 1010 of the Evidence Code is amended to read:

1010. As used in this article, "psychotherapist" means:

(a) A person authorized, or reasonably believed by the patient to be authorized, to practice medicine in any state or nation who devotes, or is reasonably believed by the patient to devote, a substantial portion of his time to the practice of psychiatry;

(b) A person licensed as a psychologist under Chapter 6.6 (commencing with Section 2900) of Division 2 of the Business and Professions Code;

(c) A person licensed as a clinical social worker under Article 4 (commencing with Section 9040) of Chapter 17 of Division 3 of the Business and Professions Code, when he is engaged in applied psychotherapy of a nonmedical nature.

(d) A person who is serving as a school psychologist and holds a credential authorizing such service issued by the State Board of Education.

SEC. 2. Section 1012 of the Evidence Code is amended to read:

1012. As used in this article, "confidential communication between patient and psychotherapist" means information, including information obtained by an examination of the patient, transmitted between a patient and his psychotherapist in the course of that relationship and in confidence by a means which, so far as the patient is aware, discloses the information to no third persons other than those who are present to further the interest of the patient in the consultation, or those to whom disclosure is reasonably necessary for the transmission of the information or the accomplishment of the purpose for which the psychotherapist is consulted, and includes a diagnosis made and the advice given by the psychotherapist in the course of that relationship.

SEC. 3. Section 1027 is added to the Evidence Code, to read:

1027. There is no privilege under this article if all of the following circumstances exist:

(a) The patient is a child under the age of 16.

(b) The psychotherapist has reasonable cause to believe that the patient has been the victim of a crime and that disclosure of the communication is in the best interest of the child.

SEC. 4. Section 1028 is added to the Evidence Code, to read:

1028. Unless the psychotherapist is a person described in subdivision (a) or (b) of Section 1010, there is no privilege under this article in a criminal proceeding.

SEC. 5. It is the intent of the Legislature, if the amendments to Section 1010 of the Evidence Code proposed by both this bill and Senate Bill No. 480 are enacted, that both amendments be given effect and incorporated into Section 1010 of that code. Therefore, in the event Senate Bill No. 480 is enacted and amends Section 1010 of the Evidence Code, Section 1 5 of this act shall become operative at the same time that Section 1010 as amended by Senate Bill No. 480 becomes operative, and, at that time, Section 1010 as amended by Section 1 of this act is repealed.

CHAPTER 1398

An act to amend Section 987.16 of the Military and Veterans Code, relating to veterans' farm and home purchases.

[Approved by Governor September 18, 1970. Filed with Secretary of State September 18, 1970.]

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.

(e) A requirement to provide a home for one or more dependents other than the veteran's spouse existed at the time of the original purchase but no longer exists, and the size of the original home has become excessive to the current needs of the veteran or the veteran and the veteran's spouse, and such veteran sells the original home, pays the purchase contract in full, applies for a subsequent loan on a smaller home within six months from date of sale, and pays into the purchase of the new home the net equity received from the sale of the former home.

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 987.16 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. In such a situation, whether or not there is any other provision of law which would otherwise limit the maximum amount which may be expended by the department for another home or farm for such veteran, the maximum amount which may be expended by the department as the purchase price for any new farm is eighty thousand dollars ($80,000), or for any new home is twenty thousand dollars ($20,000)

(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.

(e) A requirement to provide a home for one or more dependents other than the veteran's spouse existed at the time of the original purchase but no longer exists, and the size of the original home has become excessive to the current needs of the veteran or the veteran and the veteran's spouse, and such veteran sells the original home, pays the purchase contract in full, applies for a subsequent loan on a smaller home within six months from date of sale, and pays into the purchase of the new home the net equity received from the sale of the former home.

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. 3. It is the intent of the Legislature, if amendments to Section 987.16 of the Military and Veterans Code, proposed by both this bill and A.B. 1304 are enacted, that both amendments be given effect and incorporated in Section 987.16 in the form set forth in Section 2 of this act. Therefore in the event A.B. 1304 is enacted and amends Section 987.16, Section 2 of this act shall become operative at the same time that Section 987.16 as amended by A.B. 1304 becomes operative, and at that time, Section 987.16 of the Military and Veterans Code as amended by Section 1 of this act, is repealed.

CHAPTER 1399

An act to add Chapter 20.5 (commencing with Section 9890) to Division 3 of the Business and Professions Code, and to repeal Chapter 5 (commencing with Section 1710) of Part 6 of Division 2 of the Labor Code, relating to nurses' registries, and making an appropriation therefor.

[Approved by Governor September 18, 1970. Filed with Secretary of State September 18, 1970.]

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

SECTION 1. Chapter 20.5 (commencing with Section 9890) is added to Division 3 of the Business and Professions Code, to read:

CHAPTER 20.5. NURSES' REGISTRIES

Article 1. General Provisions

9890. This chapter may be cited as the Nurses' Registry Act.

9890.1. "Person" means an individual, company, partnership, corporation, society, association, manager, or their agents or employees.

9890.2. "Nursing service" means the assignment of a nurse, male or female, as a private duty, self-employed, licensed registered nurse, licensed vocational nurse, or practical nurse to render service to a patient under the direction or supervision of a physician or surgeon registered to practice in this state.

9890.3. "Fee" means any moneys or valuable consideration paid or promised to be paid for services rendered or to be rendered by any person or persons functioning as or conducting the business of a nurses' registry.

9890.4. "License" means a license issued by the division to carry on the function or business of a nurses' registry.

9890.5. "Licensee" means a nurses' registry which holds a valid, unrevoked, and unforfeited license under this chapter.

9890.6. "Nurses' registry" means a person who engages in the business of obtaining and filling commitments for nursing service and who may incidentally make referrals, not to exceed one-tenth of the total annual nursing assignments, for nursing employment other than private duty nursing.

9890.7. "Private duty nurse" means a self-employed nurse rendering service in the care of the patient either physically or mentally ill, under the direction of a physician or surgeon, but who is paid by either the patient or the designated agent of the patient and who accepts the responsibilities of a self-employed private contractor.

9890.8. "Department" means the Department of Professional and Vocational Standards.

9890.9. "Division" means the Division of Consumer Affairs.

9890.10. "Director" means the Director of Professional and Vocational Standards.

9890.11. "Chief" means the Chief of the Division of Consumer Affairs.

Article 2. Application of Chapter

9890.20. (1) Nothing in this chapter shall apply to a nonprofit organization or corporation, organized for the purpose of economic adjustment, civic betterment, and the giving of vocational guidance and placement of its members when all of the following conditions exist:

(a) None of the directors, officers, or employees thereof receive any profit other than a nominal salary for services performed for the organization or corporation.

(b) No fee is charged for the registry services other than a membership fee or dues entitling the person paying the same, to full participation and benefits of the organization or corporation.

(c) Membership fees or dues charged are used solely for maintenance of the organization or corporation.

(2) Nothing in this chapter shall apply to persons exempted by Sections 2731, 2789 and 2800 from the Nursing Practice Act (Chapter 6 (commencing with Section 2700) of Division 2).

9890.21. Nothing in this chapter shall apply to a nonprofit organization or corporation which has been formed in good faith for the promotion and advancement of the general professional interests of its members and which maintains a placement service principally engaged in securing employment for such members with the state or any county, city, district or other public agency under contracts providing employment for one year or longer, or any organization or corporation exempted by Section 9890.20.

9890.22. Any organization or corporation charging membership fees or dues and engaged in furnishing employment to its members shall, in order to be exempt under this section or under Section 9890.20 or 9890.21, file on or before the first day of April of each year with the division, a copy of its bylaws and constitution, together with a sworn statement setting forth:

(a) The place of business.

(b) The names and addresses of officers, directors, and employees and the salaries they receive.

(c) The various benefits furnished to members.

(d) The membership and placement fees and dues charged or collected by such organization or corporation from its members and that it does not charge additional fees to its self-employed private contractual members or to nonmembers using the service.

Article 3. Administration

9890.30. (a) There is in the Department of Professional and Vocational Standards a Division of Consumer Affairs under the supervision and control of a chief. The chief shall be appointed by the Governor and shall serve at his pleasure. His compensation shall be fixed by the director in accordance with law. The duty of enforcing and administering this chapter is vested in the chief and he is responsible to the director therefor.

(b) The director shall be the appointing power for all personnel employed in the division to carry out the functions of the division.

(c) All inspection and investigative services shall be performed by personnel in the Division of Investigation.

9890.31. With the approval of the director, the chief may adopt rules and regulations necessary for the orderly admin-

istration of this chapter. All rules and regulations shall become effective not earlier than 30 days after approval by the director, and only upon compliance 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.

9890 32. The title to all equipment, supplies, and other property used in administration of this chapter shall be vested in the department.

Article 4. Licensees

9890.50. No person shall engage in the function or business of a nurses' registry without first obtaining a license from the division. Such license shall be posted in a conspicuous place in the office of the nurses' registry. Licenses issued for nurses' registries prior to the effective date of this chapter shall not be invalidated thereby, but renewals of such licenses shall be obtained in the manner prescribed by this chapter.

9890.51. A written application for a nurses' registry license shall be made to the division in the form prescribed thereby and shall include:

(a) The name and address of the applicant, or the names and addresses of each partner from applicant partnerships, or each officer, from applicant corporations.

(b) The full address of the building where the business of the nurses' registry is to be conducted.

(c) The business or occupation engaged in by the applicant for the past five years preceding the date of application.

(d) The proposed name of the nurses' registry. The division shall reject any proposed name which is the same or similar to that of a licensed nurses' registry. When such name is used on any sign, advertising or promotional material, the entire name as shown on the license shall be used.

(e) The application shall be accompanied by affidavits of at least three reputable residents of the state that the person is of good moral character. One of the affidavits shall be from a physician and surgeon licensed by the State of California.

(f) Such questions and information as will assure the division of the applicant's eligibility to hold a license.

9890.52. Upon receipt of an application for a license, the division shall cause an investigation to be made as to the character and responsibility of the applicant, and of the premises designated in such application as the place in which it is proposed to conduct the business or functions of a nurses' registry.

9890.53. To be eligible for application for a license, the applicant shall show financial responsibility, and the applicant, or one partner of a partnership, or one officer of a corporation shall have all the following:

(a) Be of good moral character.

(b) Be at least 21 years of age.

(c) Be a person whose license in any field of endeavor has not been revoked within five years from the date of application.

(d) Be a person with a minimum of two years' experience in personnel work or equivalent experience as determined by the division.

(e) Be a person who has completed the 12th grade, except that the division may establish proof satisfactory to them that the applicant is possessed of a 12th grade education in point of intellectual competency and achievement.

9890.54. Upon completion of the investigation by the division and upon the favorable recommendation of the division, the license to conduct a nurses' registry shall be issued. A decision shall be given within 90 days from the date of receipt of the application by the division.

9890.55. The division shall not grant a license to conduct a nurses' registry:

(a) In rooms used for living purposes.

(b) Where boarders or lodgers are kept.

(c) Where meals are served for profit.

(d) Where persons sleep.

9890.56. The division, on proper notice or hearing, may refuse to grant a license. Such proceedings shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code and the division shall have all the powers granted therein.

9890.57. Each license issued shall run to and including the 31st day of March next following the date of issuance, unless sooner revoked by the division, and may be renewed each year upon the filing of an application of renewal.

9890.58. The license shall protect only the person or persons to whom it is issued and only those places for which it is issued. No license shall be issued, transferred or assigned to any person unless written consent is obtained from the division.

9890.59. A license when issued shall designate:

(a) The name of the licensee.

(b) The number and date of issuance of the license.

(c) The city, street, and number of the premises in which the nurses' registry is authorized to carry on its business.

9890.60. The division may grant permission to establish branch offices to any licensed nurses' registry. No branch office shall be established without written permission of the division.

9890.61. All applications for renewal of a nurses' registry license shall state all the following:

(a) The names and addresses of all persons financially interested as required in the primary application.

(b) All the names and addresses of all persons who are authorized by the nurses' registry to accept orders to assign, to discontinue or to consummate contracts with the nurses,

doctors, hospitals, and the patients, either in writing or by phone.

9890.62. All valid, unforfeited and unrevoked nurses' registry licenses in effect, on the effective date of this chapter, may be renewed from year to year.

9890.63. The division may issue to a person eligible therefor a certificate of convenience to conduct the business of a nurses' registry where the person licensed to conduct such nurses' registry has expired, or has been declared incompetent by the judgment of a court of competent jurisdiction, or has had a conservator appointed for his estate by a court of competent jurisdiction. Such a certificate of convenience may be denominated as an estate certificate of convenience.

9890.64. To be eligible for an estate certificate of convenience, a person shall be one of the following:

(a) The executor or administrator of the estate of a deceased person who is licensed to conduct the business of a nurses' registry.

(b) If no executor or administrator has been appointed, the widow or heir otherwise entitled to conduct the business of such deceased licensee.

(c) The guardian of the estate of the incompetent person licensed as a nurses' registry, or the conservator appointed for the conservation of the estate of a person licensed to conduct the business of a nurses' registry.

9890.65. The estate certificate of convenience shall continue in force for a period of not to exceed 90 days, renewable by the division for only one additional period of 90 days pending the disposal of the nurses' registry license or the procurement of a new license under the provisions of this chapter.

Article 5. Bonds

9890.80. A nurses' registry shall deposit with the division, prior to the issuance or renewal of a license, a surety bond in the penal sum of one thousand dollars ($1 000).

9890.81. The surety bond shall be payable to the people of the State of California and shall be conditioned that the person applying for the license will comply with this chapter. The aggregate liability of the surety for any and all claims which arise under the bond shall not exceed the amount of the bond.

9890.82. If any licensee fails to file a new bond with the division within 30 days after notice of cancellation by the surety of the bond required under Section 9890.80, the license issued to the principal under the bond shall be automatically suspended until such time as a new surety bond is filed. A person whose license is suspended pursuant to this section, shall not carry on the business of nurses' registry during the period of such suspension.

Article 6. Operation and Management

9890.90. Nurses' registries may enter into a continuing contract with private duty nurses covering the assignment of such nurses by such nurses' registries. The continuing contract shall state:

(a) The name, address and telephone number of the nurses' registry.

(b) The name, address and telephone number of the nurse.

(c) The fee schedule of the nurses' registry currently on file with the division.

(d) The date of its execution by the nurses' registry and the nurse.

(e) The contract shall specify that the provisions thereof are to govern only the assignment of private duty nurses and shall:

(1) Designate the nurses' registry as the continuous agent of the nurse for purposes of assignment.

(2) Provide that the contract in effect may be terminated at any time by written notice given one to the other for any future assignment.

(3) Provide for delivery to the nurse at the time of the execution of the contract a written schedule of the rates of nurses charges currently agreed to between the nurses' registry and the nurse for the nurse's services to the patient.

(4) State that the nurses' registry will immediately notify the nurse in writing of all subsequent changes in the rates to be charged the patient for services, and that the nurse shall agree to abide by these rates.

(5) Contain express undertakings by the nurses' registry that it shall continuously maintain true and correct records of orders and assignments as provided in this chapter.

(6) Provide that the nurses' registry shall periodically and at least once each month render to the nurse a written statement of all fees claimed to be due the nurses' registry, and further that such statement shall adequately identify each assignment as to the inception date and period of service covered by the claim, including the name of the patient and the amount of service fee claimed.

(7) Contain appropriate wording advising the nurse of his right to dispute the correctness of any service fee claimed by the nurses' registry in such written statement above referred to, and that in the absence of objections within a reasonable time, any such service fee may be presumed to be correctly charged.

(8) Include any other term, condition, or understanding agreed upon between the nurses' registry and the nurse.

9890.91. Each such contract shall be numbered consecutively in original and duplicate, both to be signed by the nurse and the nurses' registry. The original shall be given to the nurse and the duplicate shall be kept on file at the nurses' registry within the nurses' records.

9890.92. Each nurses' registry shall submit to the division all forms of contract to be utilized by such nurses' registry in entering into written contracts with private duty nurses for the use of the services of such nurses' registry and secure approval as to form from the division. Such approval shall not be withheld as to any proposed form of contract, when at least the basics of all of the eight foregoing points are included in the contract. There shall be printed on the face of the contract in prominent type, "This nurses' registry is licensed by the Division of Consumer Affairs."

9890.93. (a) Each person engaged in the business or function of a nurses' registry shall file with the division a schedule of the fees to be charged the nurse, for the services rendered by the nurses' registry. No change in fee schedule becomes effective until 10 days after the filing date with the division, and until each nurse under active contract for the use of the services rendered by the nurses' registry has been notified by mail of the change and its effective date.

(b) No fee shall be charged except for actual assignment.

9890.94. Each nurses' registry shall cause each applicant for the use of the services of the registry to fill out an application form, giving the following information:

(a) The name and address of applicant.

(b) Whether or not such applicant is a licensed registered nurse or licensed vocational nurse in the State of California.

(c) The number and date of each license and date of expiration.

(d) If not a holder of a current registration or license, his or her qualifications as a nurse.

(e) The names and addresses of such person or persons who can verify the experience or training claimed.

(f) Such other information as may be appropriate.

9890.95. No nurses' registry shall send out any person to render nursing service unless such person has been interviewed by the licensee or its agent. The application shall have endorsed thereon the date of the interview and the signature of the person who interviewed the applicant.

9890.96. It shall be the duty of the nurses' registry to verify in writing the claims as to the experience or training listed on the application and to keep a file of such records in the nurse's folder within the nurses' registry. It shall also be the duty of the person interviewing the applicant to require the applicant to exhibit his license, with a notation to be made on the application by the interviewer that such license has been inspected and the date of expiration of such license.

9890.97. If any nurses' registry which assigns private duty nurses to perform nursing services also engages in any other business or function, then the records of the licensee pertaining to the "nursing services" shall be kept separate and apart from the records of any other business or function.

9890.98. Each such nurses' registry shall continuously maintain in its offices true and correct permanent log sheets

and other records which shall disclose, in addition to the other information required, the date and hour of the receipt by the nurses' registry of each order for a private duty nurse, and the date and hour of the making or giving of each assignment to the nurse by the nurses' registry, together with the name of the nurse assigned. No nurses' registry, his agent or employees, shall make any false entry in such records.

9890.99. All books, records and other papers kept pursuant to this chapter by any nurses' registry shall be open at all reasonable hours to the inspection of the director or his agents. Every nurses' registry shall furnish to the director upon request, a true copy of such books, records, and papers or any portion thereof, and shall make such reports as the director prescribes.

9890.100. Each such nurses' registry shall post in a conspicuous place in the office of the nurses' registry a printed copy of this chapter. Such copies shall also contain the name and address of the division charged with the enforcement of this chapter. The division shall furnish to nurses' registries printed copies of any statute required to be posted under the provisions of this section.

9890.101. No nurses' registry shall publish or cause to be published any false, fraudulent, or misleading information representation, notice or advertisement. All advertisements of a nurses' registry by means of cards, circulars, or signs and in newspapers and other publications, and all letterheads, receipts and blanks shall be printed and contain the licensed name and address of the nurses' registry and the words, "nurses' registry" if not in the name.

9890.102. No nurses' registry shall knowingly assign any nurse to any patient in any place where a strike, lockout, or other labor trouble exists, without notifying the nurse of such conditions.

9890.103. No nurses' registry shall divide fees with any physician and surgeon, nurse, hospital, patient or any agent or employee of any of these.

9890.104. No person shall accept a fee from a private duty nurse because of an assignment for nursing service unless such person is licensed by the division as a nurses' registry.

9890.105. All actions brought in any court against the licensee shall be brought in the name of the State of California.

9890.106. In the event that a nurses' registry shall collect from a nurse a fee or expenses for an assignment, and the nurse shall fail to obtain such assignment, or the nurse shall fail to be paid for the assignment, the nurses' registry shall upon demand therefor, repay to the nurse the fee and expenses so collected.

Unless such repayment is made within 48 hours after demand, the nurses' registry shall pay to the nurse an additional sum equal to the amount of the fee.

Article 7. Disciplinary Proceedings and Offenses Against the Chapter

9890.110. The division may suspend or revoke licenses after proper notice and hearing to the licensee, if the licensee has been found guilty by the division of any of the acts or omissions constituting grounds for disciplinary action. The proceedings under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the division shall have all the powers granted therein.

9890.111. All accusations against licensees shall be filed with the division within one year after the performance of the act or omission alleged as the ground for disciplinary action.

9890.112. Upon receipt of a complaint, or upon its own motion, the division shall ascertain whether or not the accused licensee has been guilty of an act or omission constituting a ground for disciplinary action and make or cause to be made such investigation it deems necessary in order to ascertain this fact. All inspections and investigations are to be performed by personnel assigned by the director.

9890.113. Acts or omissions constituting grounds for disciplinary action by the division shall include, but shall not be limited to:

(a) Engaging in unprofessional conduct.

(b) Obtaining a license by fraud, misrepresentation or mistake.

(c) Violations or attempting to violate directly or indirectly, or assisting in or abetting the violation of, or conspiracy to violate, any provision or term of this chapter.

(d) Making or giving any false statement or information in connection with the application for issuance of a license.

(e) Conviction of a felony or any crime involving moral turpitude.

(f) Engaging in any other conduct, whether of the same, or different nature than specified in this section which constitutes fraud or dishonest dealing.

9890.114. Any person or agent or office thereof who violates any provision of this chapter is guilty of a misdemeanor punishable by a fine of not less than fifty dollars ($50) nor more than five hundred dollars ($500) or imprisonment for a period of not more than 60 days, or both such fine and imprisonment.

Article 8. Revenue

9890.120. The division shall receive and account for all fees and revenues derived from the operation of this chapter and at the end of each month, shall report such fees and revenues to the State Controller. These fees shall be deposited in the Nurses' Registry Fund, which fund is hereby created. The fees and revenues contained in this fund are continuously appropriated to the division to carrying out the provisions of this chapter. All fees deposited in the Nurses' Registry Fund dur-

ing the 1970–1971 fiscal year, in excess of fees over expenditures from the fund during such fiscal year, but not to exceed two thousand dollars ($2,000), shall be transferred to the General Fund.

9890.121. The division shall charge the following fees:

(a) A filing fee of fifty dollars ($50) for each new application for a nurses' registry license.

(b) A filing fee of one hundred dollars ($100) for each new application for a branch license.

(c) A filing fee of fifty dollars ($50) for application to transfer or assign a license.

(d) A renewal fee of not more than one hundred fifty dollars ($150) for a nurses' registry license.

(e) A renewal fee of not more than seventy-five dollars ($75) for each license of each nurses' registry branch license.

(f) A reinstatement fee of two hundred dollars ($200) in addition to other fees to reinstate a nurses' registry license revoked or suspended.

9890.122. No fee shall be prorated for the unexpired portion of the license year.

SEC. 2. Chapter 5 (commencing with Section 1710) of Part 6 of Division 2 of the Labor Code is repealed.

SEC. 3. All rules and regulations adopted by the Labor Commissioner in respect to Chapter 5 (commencing with Section 1710) of Part 6 of Division 2 of the Labor Code which are in effect when this act takes effect shall remain in effect for the purposes of Chapter 20.5 (commencing with Section 9890) of Division 3 of the Business and Professions Code until the Division of Consumer Affairs adopts rules and regulations for the administration of the latter.

SEC. 4. Licensees licensed under the provisions of Chapter 5 (commencing with Section 1710) of Part 6 of Division 2 of the Labor Code shall renew their licenses with the Division of Consumer Affairs pursuant to Chapter 20.5 (commencing with Section 9890) of Division 3 of the Business and Professions Code, when their present licenses expire.

SEC. 5. The unencumbered balance of all money available for expenditure by the Labor Commissioner in carrying out the functions vested in him by Chapter 5 (commencing with Section 1710) of Part 6 of Division 2 of the Labor Code shall, for the purposes of Chapter 20.5 (commencing with Section 9890) of Division 3 of the Business and Professions Code, be made available for the support and maintenance of the Division of Consumer Affairs; and all books, documents, records, and property of the Labor Commissioner relating to a function vested in him by Chapter 5 (commencing with Section 1710) of Part 6 of Division 2 of the Labor Code shall, for the purposes of Chapter 20.5 (commencing with Section 9890) of Division 3 of the Business and Professions Code, be transferred to the Division of Consumer Affairs for the purposes of the division's administration of Chapter 20.5.

SEC. 6. Section 9890.8 is added to the Business and Professions Code, to read:

9890.8. "Department" means the Department of Consumer Affairs.

SEC. 7. Section 9890.9 is added to the Business and Professions Code, to read:

9890.9. "Division" means the Division of Consumer Services.

SEC. 8. Section 9890.10 is added to the Business and Professions Code, to read:

9890.10. "Director" means the Director of Consumer Affairs.

SEC. 9. Section 9890.11 is added to the Business and Professions Code, to read:

9890.11. "Chief" means the Chief of the Division of Consumer Services.

SEC. 10. Section 9890.30 is added to the Business and Professions Code, to read:

9890.30. (a) There is in the Department of Consumer Affairs a Division of Consumer Services under the supervision and control of a chief. The chief shall be appointed by the Governor and shall serve at his pleasure. His compensation shall be fixed by the director in accordance with law. The duty of enforcing and administering this chapter is vested in the chief and he is responsible to the director therefor.

(b) The director shall be the appointing power for all personnel employed by the division to carry out the functions of the division.

(c) All inspection and investigative services shall be performed by personnel in the Division of Investigation.

SEC. 10.5. Section 9890.92 is added to the Business and Professions Code, to read:

9890.92. Each nurses' registry shall submit to the division all forms of contract to be utilized by such nurses' registry in entering into written contracts with private duty nurses for the use of the services of such nurses' registry and secure approval as to form from the division. Such approval shall not be withheld as to any proposed form of contract, when at least the basics of all of the eight foregoing points are included in the contract. There shall be printed on the face of the contract in prominent type, "This nurses' registry is licensed by the Division of Consumer Services."

SEC. 11. All rules and regulations adopted by the Labor Commissioner in respect to Chapter 5 (commencing with Section 1710) of Part 6 of Division 2 of the Labor Code which are in effect when this act takes effect shall remain in effect for the purposes of Chapter 20.5 (commencing with Section 9890) of Division 3 of the Business and Professions Code until the Division of Consumer Services adopts rules and regulations for the administration of the latter.

SEC. 12. Licensees licensed under the provisions of Chapter 5 (commencing with Section 1710) of Part 6 of Division 2

of the Labor Code shall renew their licenses with the Division of Consumer Services pursuant to Chapter 20.5 (commencing with Section 9890) of Division 3 of the Business and Professions Code, when their present licenses expire.

SEC. 13. The unencumbered balance of all money available for expenditure by the Labor Commissioner in carrying out the functions vested in him by Chapter 5 (commencing with Section 1710) of Part 6 of Division 2 of the Labor Code shall, for the purposes of Chapter 20.5 (commencing with Section 9890) of Division 3 of the Business and Professions Code, be made available for the support and maintenance of the Division of Consumer Services; and all books, documents, records, and property of the Labor Commissioner relating to a function vested in him by Chapter 5 (commencing with Section 1710) of Part 6 of Division 2 of the Labor Code shall, for the purposes of Chapter 20.5 (commencing with Section 9890) of Division 3 of the Business and Professions Code, be transferred to the Division of Consumer Services for the purposes of the division's administration of Chapter 20.5.

SEC. 14. If this bill is enacted and the Governor's Reorganization Plan No. 2 of the 1970 Regular Session becomes effective Sections 6, 7, 8, 9, 10, 10.5, 11, 12, and 13 of this act shall become operative and supersede the Governor's Reorganization Plan No. 2 of the 1970 Regular Session, and Sections 9890.8, 9890.9, 9890.10, 9890.11, 9890.30, and 9890.92 of the Business and Professions Code as added by Section 1 of this act, and Sections 3, 4, and 5 of this act, are repealed.

SEC. 15. If this bill is enacted, and the Governor's Reorganization Plan No. 2 of the 1970 Regular Session becomes effective, Section 9890.59 of the Business and Professions Code, as added by Section 1 of this act, is repealed.

CHAPTER 1400

An act to amend Section 10177 of the Business and Professions Code, and to amend Sections 25019 and 25212 of, and to add Division 5 (commencing with Section 31000) to Title 4 of, the Corporations Code, relating to franchises.

[Approved by Governor September 18, 1970 Filed with Secretary of State September 18, 1970.]

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

SECTION 1. Section 10177 of the Business and Professions Code is amended to read:

10177. The commissioner may suspend or revoke the license of any real estate licensee, or may deny the issuance of a license to an applicant, who has done any of the following:

(a) Procured, or attempted to procure, a real estate license, for himself or any salesman, by fraud, misrepresentation or

deceit, or by making any material misstatement of fact in an application for a real estate license.

(b) Entered a plea of guilty or nolo contendere to, or been found guilty of, or been convicted of, a felony or a crime involving moral turpitude, and the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal, irrespective of an order granting probation following such conviction, suspending the imposition of sentence, or of a subsequent order under the provision of Section 1203.4 of the Penal Code allowing such licensee to withdraw his plea of guilty and to enter a plea of not guilty, or dismissing the accusation or information.

(c) Knowingly authorized, directed, connived at or aided in the publication, advertisement, distribution, or circulation of any material false statement or representation concerning his business, or any business opportunity or any land or subdivision (as defined in Chapter 1 of Part 2 of this division) offered for sale.

(d) Willfully disregarded or violated any of the provisions of the Real Estate Law (commencing with Section 10000 of this code) or of Chapter 1 (commencing with Section 11000) of Part 2 of this division or of the rules and regulations of the commissioner for the administration and enforcement of the Real Estate Law and Chapter 1 of Part 2 of this division.

(e) Willfully used the term "realtor" or any trade name or insignia of membership in any real estate organization of which the licensee is not a member.

(f) Acted or conducted himself in a manner which would have warranted the denial of his application for a real estate license.

(g) Demonstrated negligence or incompetence in performing any act for which he is required to hold a license.

(h) If, as a broker licensee, failed to exercise reasonable supervision over the activities of his salesmen.

(i) Has used his employment by a governmental agency in a capacity giving access to records, other than public records, in such manner as to violate the confidential nature of such records.

(j) Any other conduct, whether of the same or a different character than specified in this section, which constitutes fraud or dishonest dealing.

(k) Violated any of the terms, conditions, restrictions, and limitations contained in any order granting a restricted license.

(*l*) Violated Section 8616 of this code.

(m) Solicited or induced the sale, lease or the listing for sale or lease, of residential property on the ground, wholly or in part, of loss of value, increase in crime, or decline of the quality of the schools, due to the present or prospective entry into the neighborhood of a person or persons of another race, color, religion, ancestry or national origin.

(n) Violated any of the provisions of the Franchise Investment Law (Division 5 (commencing with Section 31000) of Title 4 of the Corporations Code) or any regulations of the Corporations Commissioner pertaining thereto.

SEC. 1.5. Section 25019 of the Corporations Code is amended to read:

25019. "Security" means any note; stock; treasury stock; membership in an incorporated or unincorporated association; bond; debenture; evidence of indebtedness; certificate of interest or participation in any profit-sharing agreement; collateral trust certificate; preorganization certificate or subscription; transferable share; investment contract; voting trust certificate; certificate of deposit for a security; certificate of interest or participation in an oil, gas or mining title or lease or in payments out of production under such a title or lease; or, in general, any interest or instrument commonly known as a "security"; or any certificate of interest or participation in, temporary or interim certificate for, receipt for, guarantee of, or warrant or right to subscribe to or purchase, any of the foregoing. All of the foregoing are securities whether or not evidenced by a written document. "Security" does not include: (1) any beneficial interest in any voluntary inter vivos trust which is not created for the purpose of carrying on any business or solely for the purpose of voting, or (2) any beneficial interest in any testamentary trust, or (3) any insurance or endowment policy or annuity contract under which an insurance company admitted in this state promises to pay a sum of money (whether or not based upon the investment performance of a segregated fund) either in a lump sum or periodically for life or some other specified period, or (4) any franchise subject to registration under the Franchise Investment Law, or exempted from such registration by Section 31100 or 31101 of that law.

SEC. 2. Section 25212 of the Corporations Code is amended to read:

25212. The commissioner may, after appropriate notice and opportunity for hearing, by order censure, deny a certificate to, suspend for a period not exceeding 12 months or revoke the certificate of, any broker-dealer if he finds that such censure, denial, suspension, or revocation is in the public interest and that such broker-dealer, whether prior or subsequent to becoming such, or any partner, officer, director, or branch manager of such broker-dealer, whether prior or subsequent to becoming associated with such broker-dealer, or any person directly or indirectly controlling such broker-dealer, whether prior or subsequent to becoming such, or any agent employed by such broker-dealer while so employed:

(a) Has willfully made or caused to be made in any application for a certificate or in any report required to be filed with the commissioner under this law, 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 been either (1) convicted of a felony or misdemeanor, or (2) 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 security, (ii) arose out of the conduct of the business of a broker-dealer 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

(c) Is permanently or temporarily enjoined by order, judgment, or decree of any court of competent jurisdiction from acting as an investment adviser, underwriter, or broker-dealer, or as an affiliated person or employee of any 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 denying registration to or revoking or suspending the registration of such person as a broker or dealer or investment adviser 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 such person from membership in such association or exchange; or

(e) Has willfully violated any provision of the 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, including the Franchise Investment Law, Division 5 (commencing with Section 31000), or of any rule or regulation under any of such statutes; or

(f) Has willfully aided, abetted, counseled, commanded, induced, or procured the violation by any other person of any of the statutes or rules or regulations referred to in subdivision (e) above, or has failed reasonably to supervise, with a view to preventing violations of such statutes, rules and regulations, another person who commits such a violation, if such other person is subject to his supervision; for the purposes of this subdivision, no person shall be deemed to have failed reasonably to supervise any person if (1) there have been established procedures, and a system for applying such procedures, which would reasonably be expected to prevent and detect, insofar as practicable, any such violation by such other person, and (2) such person has reasonably discharged the duties and obligations incumbent upon him by reason of such procedures and

system without reasonable cause to believe that such procedures and system were not being complied with; or

(g) Is subject to any currently effective order of the commissioner entered pursuant to Section 25213 revoking or suspending the certificate of such person as an agent.

SEC. 3. Division 5 (commencing with Section 31000) is added to Title 4 of the Corporations Code, to read:

DIVISION 5. FRANCHISE INVESTMENT LAW

PART 1. DEFINITIONS

31000. This division may be known as the "Franchise Investment Law." References in this division to "this law" refer to the applicable provisions of this division.

31001. The Legislature hereby finds and declares that the widespread sale of franchises is a relatively new form of business which has created numerous problems both from an investment and a business point of view in the State of California. Prior to the enactment of this division, the sale of franchises was regulated only to the limited extent to which the Corporate Securities Law of 1968 applied to such transactions. California franchisees have suffered substantial losses where the franchisor or his representative has not provided full and complete information regarding the franchisor-franchisee relationship, the details of the contract between franchisor and franchisee, and the prior business experience of the franchisor.

It is the intent of this law to provide each prospective franchisee with the information necessary to make an intelligent decision regarding franchises being offered. Further, it is the intent of this law to prohibit the sale of franchises where such sale would lead to fraud or a likelihood that the franchisor's promises would not be fulfilled, and to protect the franchisor by providing a better understanding of the relationship between the franchisor and franchisee with regard to their business relationship.

31002. Unless the context otherwise requires, the definitions in this part apply throughout this division.

31003. "Advertisement" means any written or printed communication or any communication by means of recorded telephone messages or spoken on radio, television, or similar communications media, published in connection with an offer or sale of a franchise.

31004. "Commissioner" means the Commissioner of Corporations.

31005. "Franchise" means a contract or agreement, either expressed or implied, whether oral or written, between two or more persons by which:

(a) A franchisee is granted the right to engage in the business of offering, selling or distributing goods or services under a marketing plan or system prescribed in substantial part by a franchisor; and

(b) The operation of the franchisee's business pursuant to such plan or system is substantially associated with the franchisor's trademark, service mark, trade name, logotype, advertising or other commercial symbol designating the franchisor or its affiliate; and

(c) The franchisee is required to pay, directly or indirectly, a franchise fee.

31006. A "franchisee" is a person to whom a franchise is granted.

31007. A "franchisor" is a person who grants a franchise.

31008. "Area franchise" means any contract or agreement between a franchisor and a subfranchisor whereby the subfranchisor is granted the right, for consideration given in whole or in part for such right, to sell or negotiate the sale of franchises in the name or on behalf of the franchisor.

31009. A "subfranchisor" is a person to whom an area franchise is granted.

31010. Where used in this law, unless specifically stated otherwise, "franchise" includes "area franchise."

31011. "Franchise fee" means any fee or charge that a franchisee or subfranchisor is required to pay or agrees to pay for the right to enter into a business under a franchise agreement, including, but not limited to, any such payment for such goods and services.

However, the following shall not be considered the payment of a franchise fee:

(a) The purchase or agreement to purchase goods at a bona fide wholesale price.

(b) The payment of a reasonable service charge to the issuer of a credit card by an establishment accepting or honoring such credit card.

(c) Amounts paid to a trading stamp company licensed under Chapter 3 (commencing with Section 17750) of Part 3 of Division 7 of the Business and Professions Code by a person issuing trading stamps in connection with the retail sale of merchandise or service.

31012. "Fraud" and "deceit" are not limited to common law fraud or deceit.

31013. (a) An offer or sale of a franchise is made in this state when an offer to sell is made in this state, or an offer to buy is accepted in this state, or, if the franchisee is domiciled in this state, the franchised business is or will be operated in this state.

(b) An offer to sell is made in this state when the offer either originates from this state or is directed by the offeror to this state and received at the place to which it is directed. An offer to sell is accepted in this state when acceptance is communicated to the offeror in this state; and acceptance is communicated to the offeror in this state when the offeree directs it to the offeror in this state reasonably believing the offeror to be in this state and it is received at the place to which it is directed.

(c) An offer to sell is not made in this state merely because (1) the publisher circulates or there is circulated on his behalf in this state any bona fide newspaper or other publication of general, regular, and paid circulation which has had more than two-thirds of its circulation outside this state during the past 12 months, or (2) a radio or television program originating outside this state is received in this state.

31014. "Order" means a consent, authorization, approval, prohibition or requirement applicable to a specific case issued by the commissioner.

31015. "Person" means an individual, corporation, a partnership, a joint venture, an association, a joint stock company, a trust or an unincorporated organization.

31016. "Publish" means publicly to issue or circulate by newspaper, mail, radio or television, or otherwise to disseminate to the public.

31017. "Rule" means any published regulation or standard of general application issued by the commissioner.

31018. (a) "Sale" or "sell" includes every contract or agreement of sale of, contract to sell, or disposition of, a franchise or interest in a franchise for value.

(b) "Offer" or "offer to sell" includes every attempt to offer to dispose of, or solicitation of an offer to buy, a franchise or interest in a franchise for value. The terms defined in this section do not include the renewal or extension of an existing franchise where there is no interruption in the operation of the franchised business by the franchisee.

31019. "State" means any state, territory, or possession of the United States, the District of Columbia and Puerto Rico.

PART 2. REGULATION OF THE SALE OF FRANCHISES

CHAPTER 1. EXEMPTIONS

31100. There shall be exempted from the provisions of Section 31110 any other transaction which the commissioner by rule exempts as not being comprehended within the purposes of this law and the registration of which he finds is not necessary or appropriate in the public interest or for the protection of investors.

31101. There shall be exempted from the provisions of Chapter 2 (commencing with Section 31110) of this part the offer and sale of a franchise if the franchisor:

(a) Has a net worth on a consolidated basis, according to its most recent audited financial statement, of not less than five million dollars ($5,000,000); or the franchisor has a net worth, according to its most recent audited financial statement, of not less than one million dollars ($1,000,000) and is at least 80 percent owned by a corporation which has a net worth on a consolidated basis, according to its most recent audited financial statement, of not less than five million dollars ($5,000,000); and

(b) Has had at least 25 franchisees conducting business at all times during the five-year period immediately preceding the offer or sale; or has conducted business which is the subject of the franchise continuously for not less than five years preceding the offer or sale; or if any corporation which owns at least 80 percent of the franchisor has had at least 25 franchises conducting business at all times during the five-year period immediately preceding the offer or sale; or such corporation has conducted business which is the subject of the franchise continuously for not less than five years preceding the offer or sale; and

(c) Discloses in writing to each prospective franchisee, at least 48 hours prior to the execution by the prospective franchisee of any binding franchise or other agreement, or at least 48 hours prior to the receipt of any consideration, the following information:

(1) The name of the franchisor, the name under which the franchisor is doing or intends to do business, and the name of any parent or affiliated company that will engage in business transactions with franchisees.

(2) The franchisor's principal business address and the name and address of its agent in the State of California authorized to receive service of process.

(3) The business form of the franchisor, whether corporate, partnership, or otherwise.

(4) The business experience of the franchisor, including the length of time the franchisor (i) has conducted a business of the type to be operated by the franchisees, (ii) has granted franchises for such business, and (iii) has granted franchises in other lines of business.

(5) A copy of the typical franchise contract or agreement proposed for use or in use in this state.

(6) A statement of the franchise fee charged, the proposed application of the proceeds of such fee by the franchisor, and the formula by which the amount of the fee is determined if the fee is not the same in all cases.

(7) A statement describing any payments or fees other than franchise fees that the franchisee or subfranchisor is required to pay to the franchisor, including royalties and payments or fees which the franchisor collects in whole or in part on behalf of a third party or parties.

(8) A statement of the conditions under which the franchise agreement may be terminated or renewal refused, or repurchased at the option of the franchisor.

(9) A statement as to whether, by the terms of the franchise agreement or by other device or practice, the franchisee or subfranchisor is required to purchase from the franchisor or his designee services, supplies, products, fixtures or other goods relating to the establishment or operation of the franchise business, together with a description thereof.

(10) A statement as to whether, by the terms of the franchise agreement or other device or practice, the franchisee is

limited in the goods or services offered by him to his customers.

(11) A statement of the terms and conditions of any financing arrangements when offered directly or indirectly by the franchisor or his agent or affiliate.

(12) A statement of any past or present practice or of any intent of the franchisor to sell, assign, or discount to a third party any note, contract, or other obligation of the franchisee or subfranchisor in whole or in part.

(13) If any statement of estimated or projected franchisee earnings is used, a statement of such estimation or projection and the data upon which it is based.

(14) A statement as to whether franchisees or subfranchisors receive an exclusive area or territory.

31102. The offer or sale of a franchise by a franchisee for his own account or the offer or sale of the entire area franchise owned by a subfranchisor for his own account, is exempted from the provisions of Section 31110 if the sale is not effected by or through a franchisor. A sale is not effected by or through a franchisor merely because a franchisor has a right to approve or disapprove a different franchisee.

31103. This division shall not be applicable to any transaction relating to a bank credit card plan. "Bank credit card plan" means a credit card plan in which the issuers of credit cards, as defined in paragraph (1) of subdivision (a) of Section 1718 of the Civil Code are only: banks regulated by or under the supervision of the Federal Reserve Board, the Federal Deposit Insurance Corporation, the Comptroller of the Currency of the United States, or the Superintendent of Banks of this state; or, persons controlling such banks, provided that the assets of such a bank or banks represent a majority of the assets on a consolidated basis of any holding company system of which such card issuers may be a party; or, persons controlled by such banks.

Chapter 2. Disclosure

31110. On and after April 15, 1971, it shall be unlawful for any person to offer or sell any franchise in this state unless the offer of the franchise has been registered under this part or exempted under Chapter 1 (commencing with Section 31100) of this part.

31111. The application for registration of an offer shall be filed with the commissioner and shall contain the following:

(a) The name of the franchisor, the name under which the franchisor is doing or intends to do business, and the name of any parent or affiliated company that will engage in business transactions with franchisees.

(b) The franchisor's principal business address and the name and address of its agent in the State of California authorized to receive process.

(c) The business form of the franchisor, whether corporate, partnership, or otherwise.

(d) Such information concerning the identity and business experience of persons affiliated with the franchisor, as the commissioner may by rule prescribe.

(e) A statement whether any person identified in the application for registration:

(1) Has been convicted of a felony, or pleaded nolo contendere to a felony charge, or held liable in a civil action by final judgment if such felony or civil action involved fraud, embezzlement, fraudulent conversion or misappropriation of property; or

(2) Is subject to any currently effective order of the Securities and Exchange Commission or the securities administrator of any state denying registration to or revoking or suspending the registration of such person as a securities broker or dealer or investment advisor or is subject to any currently effective order of any national securities association or national securities exchange (as defined in the Securities and Exchange Act of 1934) suspending or expelling such person from membership in such association or exchange; or

(3) Is subject to any currently effective order or ruling of the Federal Trade Commission; or

(4) Is subject to any currently effective injunctive or restrictive order relating to business activity as a result of an action brought by any public agency or department, including, without limitation, actions affecting a license as a real estate broker or salesman.

Such statement shall set forth the court, date of conviction or judgment, any penalty imposed or damages assessed, or the date, nature and issuer of such order.

(f) The length of time the franchisor: (1) has conducted a business of the type to be operated by the franchisees, (2) has granted franchises for such business, and (3) has granted franchises in other lines of business.

(g) A recent financial statement of the franchisor, together with a statement of any material changes in the financial condition of the franchisor from the date thereof. The commissioner may by rule or order prescribe (1) the form and content of financial statements required under this law, (2) the circumstances under which consolidated financial statements shall be filed, and (3) the circumstances under which financial statements shall be audited by independent certified public accountants or public accountants.

(h) A copy of the typical franchise contract or agreement proposed for use or in use in this state.

(i) A statement of the franchise fee charged, the proposed application of the proceeds of such fee by the franchisor and the formula by which the amount of the fee is determined if the fee is not the same in all cases.

(j) A statement describing any payments or fees other than franchise fees that the franchisee or subfranchisor is required to pay to the franchisor, including royalties and payments or

fees which the franchisor collects in whole or in part on behalf of a third party or parties.

(k) A statement of the conditions under which the franchise agreement may be terminated or renewal refused, or repurchased at the option of the franchisor.

(*l*) A statement as to whether, by the terms of the franchise agreement or by other device or practice, the franchisee or subfranchisor is required to purchase from the franchisor or his designee services, supplies, products, fixtures or other goods relating to the establishment or operation of the franchise business, together with a description thereof.

(m) A statement as to whether, by the terms of the franchise agreement or other device or practice, the franchisee is limited in the goods or services offered by him to his customers.

(n) A statement of the terms and conditions of any financing arrangements when offered directly or indirectly by the franchisor or his agent or affiliate.

(o) A statement of any past or present practice or of any intent of the franchisor to sell, assign or discount to a third party any note, contract or other obligation of the franchisee or subfranchisor in whole or in part.

(p) A copy of any statement of estimated or projected franchisee earnings prepared for presentation to prospective franchisees or subfranchisors, or other persons, together with a statement setting forth the data upon which such estimation or projection is based.

(q) A statement of any compensation or other benefit given or promised to a public figure arising, in whole or in part, from (1) the use of the public figure in the name or symbol of the franchise or (2) the endorsement or recommendation of the franchise by the public figure in advertisements.

(r) A statement of the number of franchises presently operating and proposed to be sold, as may be required by rule of the commissioner.

(s) A statement as to whether franchisees or subfranchisors receive an exclusive area or territory.

(t) Other information related to the application as the commissioner may reasonably require.

(u) Other information as the franchisor may desire to present.

(v) When the person filing the application for registration is a subfranchisor, the application shall also include the same information concerning the subfranchisor as is required from the franchisor pursuant to this section.

31112. Applications for registration, registration renewal statements, and amendments thereto, shall be signed and verified by the franchisor or by the subfranchisor. Such verification shall be in the same manner provided in the Code of Civil Procedure for the verification of pleadings.

31113. If the commissioner finds that the applicant has failed to demonstrate that adequate financial arrangements have been made to fulfill obligations to provide real estate,

improvements, equipment, inventory, training, or other items included in the offering, the commissioner may by rule or order require the escrow or impound of franchise fees and other funds paid by the franchisee or subfranchisor until no later than the time of opening of the franchise business, or, at the option of the franchisor, the furnishing of a surety bond as provided by rule of the commissioner, if he finds that such requirement is necessary and appropriate to protect prospective franchisees or subfranchisors.

31114. The application for registration shall be accompanied by a proposed offering prospectus, which shall contain the material information set forth in the application for registration, as specified by rule of the commissioner, and such additional disclosures as the commissioner may require. The commissioner shall not require disclosure in the prospectus of information submitted under subdivision (e) of Section 31111. The prospectus shall recite in bold type of not less than 10-point type that registration does not constitute approval, recommendation or endorsement by the commissioner.

31115. The commissioner may summarily issue a stop order denying the effectiveness of or suspending or revoking effectiveness of any registration if he finds:

(a) That there has been a failure to comply with any of the provisions of this law or the rules of the commissioner pertaining thereto.

(b) That the offer or sale of the franchise would constitute misrepresentation to, or deceit or fraud of the purchasers.

(c) That the applicant has failed to comply with any rule or order of the commissioner issued pursuant to Section 31113.

(d) That any person identified in the application has been convicted of an offense under subdivision (e) of Section 31111, or is subject to an order, or has had a civil judgment entered against him as described in subdivision (e) of Section 31111, and the involvement of such person in the sale or management of the franchise creates an unreasonable risk to prospective franchisees.

31116. (a) Except as provided in subdivision (b), if no stop order under Section 31115 is in effect under this law, registration of the offer of franchises automatically becomes effective at 12 o'clock noon, California time, of the 15th business day after the filing of the application for registration or the last amendment thereto, or at such earlier time as the commissioner determines.

(b) With respect to any application for registration or the last amendment thereto filed between January 1, 1971, and March 15, 1971, if no stop order under Section 31115 is in effect under this law, registration becomes effective on April 15, 1971; with respect to any application filed after March 15, 1971 and before May 10, 1971, if no stop order under Section 31115 is in effect under this law, registration becomes effective on June 1, 1971, or the 15th business day after the filing,

whichever is the later, or at such earlier time as the commissioner determines.

31117. Upon the entry of a stop order under Section 31115 the commissioner shall promptly notify the applicant that it has been entered and of the reasons therefor and that upon receipt of written request the matter will be set down for hearing to commence within 15 days after such receipt unless the applicant consents to a later date. If no hearing is requested and none is ordered by the commissioner, the order will remain in effect until it is modified or vacated by the commissioner. If a hearing is requested or ordered, the commissioner, after notice and hearing in accordance with the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, in connection with which the commissioner shall have all of the powers granted thereunder, may modify or vacate the order or extend it until its final determination.

31118. The commissioner may vacate or modify a stop order if he finds that the conditions which caused its entry have changed or that it is otherwise in the public interest to do so.

31119. It is unlawful to sell any franchise in this state which is subject to registration under this law without first providing to the prospective franchisee, at least 48 hours prior to the execution by the prospective franchisee of any binding franchise or other agreement, or at least 48 hours prior to the receipt of any consideration, whichever occurs first, a copy of the prospectus, together with a copy of all proposed agreements relating to the sale of the franchise.

31120. A franchise offering shall be deemed duly registered for a period of one year from the effective date of the registration, unless the commissioner by order or rule specifies a different period.

31121. The registration may be renewed for additional periods of one year each, unless the commissioner by rule or order specifies a different period, by submitting to the commissioner a registration renewal statement no later than 15 business days prior to the expiration of the registration unless such period is waived by order of the commissioner. If no stop order or other order under Section 31115 is in effect under this law, registration of the offer of the franchises automatically becomes renewed effective at 12 o'clock noon, California time, of the date on which the prior registration is due to expire, or at such earlier time as the commissioner determines.

31122. The registration renewal statement shall be in the form and content prescribed by the commissioner, and shall be accompanied by a proposed offering prospectus. Each such registration renewal statement shall be accompanied by the fee prescribed in Part 5 (commencing with Section 31500) of this division.

31123. A franchisor shall promptly notify the commissioner in writing, by an application to amend the registration, of any material change in the information contained in the application as originally submitted, amended or renewed. The commissioner may by rule further define what shall be considered a material change for such purposes, and the circumstances under which a revised offering prospectus must accompany such application.

31124. An amendment to an application filed after the effective date of the registration of the sale of franchises, if such amendment is approved by the commissioner, shall become effective on such date as the commissioner may determine, having due regard for the public interest and the protection of franchisees.

CHAPTER 3. GENERAL PROVISIONS

31150. Every franchisor or subfranchisor offering franchises for sale in this state shall at all times keep and maintain a complete set of books, records, and accounts of such sales.

31151. The commissioner may accept and act upon the opinions, appraisements and reports of any engineers, appraisers, or other experts which may be presented by an applicant or any interested party, on any question of fact concerning or affecting the franchises proposed to be offered and sold. In lieu of, or in addition to, such opinions, appraisements, and reports, the commissioner may have any or all matters concerning or affecting such franchises investigated, appraised, passed upon and certified to him by engineers, appraisers or other experts selected by him.

31152. Any document filed under this law or under the Corporate Securities Law of 1968 or a predecessor statute thereto may be incorporated by reference in a subsequent application filed under this law if it was filed within four years prior to the filing of such application, or is otherwise available in the files of the commissioner, to the extent that the document is currently accurate.

31153. In any proceeding under this law, the burden of proving an exemption or an exception from a definition is upon the person claiming it.

31154. (a) Neither (1) the fact that an application for registration under this law has been filed, nor (2) the fact that such registration has become effective constitutes a finding by the commissioner that any document filed under this law is true, complete or not misleading. Neither any such fact nor the fact that an exemption is available for a transaction means that the commissioner has passed in any way upon the merits or qualifications of, or recommended or given approval to, any person, franchise or transaction.

(b) It is unlawful to make or cause to be made to any prospective purchaser or offeree any representation inconsistent with subdivision (a) of this section.

31155. Every applicant for registration of an offer to sell franchises under this law, by other than a California corporation, shall file with the commissioner, in such form as he by rule prescribed, 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 a consent in connection with a previous registration under this law 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.

31156. No person shall publish in this state any advertisement offering a franchise subject to the registration requirements of this law unless a true copy of the advertisement has been filed in the office of the commissioner at least three business days prior to the first publication or such shorter period as the commissioner by rule or order may allow, or unless such advertisement has been exempted by rule of the commissioner.

31157. No person shall publish any advertisement concerning any franchise in this state after the commissioner finds that the advertisement contains any statement that is false or misleading or omits to make any statement necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading and so notifies the person in writing. Such notification may be given summarily without notice of hearing. At any time after the issuance of a notification under this section, the person desiring to use the advertisement may in writing request that the order be rescinded. Upon the receipt of such a written request, the matter shall be set down for hearing to commence within 15 days after such receipt unless the person making the request consents to a later date. After such hearing, which shall be conducted in accordance with the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, the commissioner shall determine whether to affirm and continue or to rescind such order, and the commissioner shall have all the powers granted under such act.

PART 3. FRAUDULENT AND PROHIBITED PRACTICES

CHAPTER 1. FRAUDULENT PRACTICES

31200. It is unlawful for any person willfully to make any untrue statement of a material fact in any application, notice or report filed with the commissioner under this law, or willfully to omit to state in any such application, notice, or report any material fact which is required to be stated therein, or fail to notify the commissioner of any material change as required by Section 31123.

31201. It is unlawful for any person to offer or sell a franchise in this state by means of any written or oral communication not enumerated in Section 31200 which includes an untrue statement of a material fact or omits to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading.

31202. It is unlawful for any person willfully to make any untrue statement of a material fact in any statement required to be disclosed in writing pursuant to Section 31101, or willfully to omit to state in any such statement any material fact which is required to be stated therein.

31203. It is unlawful for any person to violate any order of the commissioner or condition to the effectiveness of the registration of the offer or sale of franchises.

CHAPTER 2. PROHIBITED PRACTICES

31210. It is unlawful for any person to effect or attempt to effect a sale of a franchise in this state, except in transactions exempted under Chapter 1 (commencing with Section 31100) of Part 2 of this division, unless such person is: (1) identified in an application or amended application filed with the commissioner pursuant to Part 2 (commencing with Section 31100) of this division, (2) licensed by the California Department of Real Estate as a real estate broker or real estate salesman, or (3) licensed by the commissioner as a broker-dealer or agent pursuant to the Corporate Securities Law of 1968.

31211. If in the opinion of the commissioner any person is acting in violation of Section 31210, the commissioner may order such person to desist and refrain from further activity. If, after such an order has been made, a request for a hearing is filed in writing by the person to whom such order was directed, a hearing shall be held in accordance with the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the commissioner shall have all of the powers granted thereunder; unless such hearing is commenced within 15 days after the request is made (or the person affected consents to a later date), such order shall be deemed rescinded.

PART 4. ENFORCEMENT

CHAPTER 1. CIVIL LIABILITY

31300. Any person who offers or sells, a franchise in violation of Section 31101, 31110, 31200, or 31202, shall be liable to the franchisee or subfranchisor, who may sue for damages caused thereby, and if such violation is willful, the franchisee may also sue for rescission, unless, in the case of a violation of Section 31200 or 31202, the defendant proves that the plaintiff knew the facts concerning the untruth or omission, or that the defendant exercised reasonable care and did not know, or, if he had exercised reasonable care, would not have known, of the untruth or omission.

31301. Any person who violates Section 31201 shall be liable to any person (not knowing or having cause to believe that such statement was false or misleading) who, while relying upon such statement shall have purchased a franchise, for damages, unless the defendant proves that the plaintiff knew the facts concerning the untruth or omission or that the defendant exercised reasonable care and did not know, (or if he had exercised reasonable care would not have known) of the untruth or omission.

31302. Every person who directly or indirectly controls a person liable under Section 31300 or 31301, every partner in a firm so liable, every principal executive officer or director of a corporation so liable, every person occupying a similar status or performing similar functions, every employee of a person so liable who materially aids in the act or transaction constituting the violation, are also liable jointly and severally with and to the same extent as such person, unless the other person who is so liable had no knowledge of or reasonable grounds to believe in the existence of the facts by reason of which the liability is alleged to exist.

31303. No action shall be maintained to enforce any liability created under Section 31300 unless brought before the expiration of four years after the act or transaction constituting the violation, the expiration of one year after the discovery by the plaintiff of the fact constituting the violation, or 90 days after delivery to the franchisee of a written notice disclosing any violation of Section 31110 or 31200, which notice shall be approved as to form by the commissioner, whichever shall first expire.

31304. No action shall be maintained to enforce any liability created under Section 31301 unless brought before the expiration of two years after the violation upon which it is based, expiration of one year after the discovery by the plaintiff of the facts constituting such violation, or 90 days after delivery to the franchisee of a written notice disclosing any violation of Section 31201 or 31202 which notice shall be approved as to form by the commissioner, whichever shall first expire.

31305. Every cause of action under this chapter survives the death of any person who might have been a plaintiff or defendant.

31306. Except as explicitly provided in this chapter, no civil liability in favor of any private party shall arise against any person by implication from or as a result of the violation of any provision of this law or any rule or order hereunder. Nothing in this chapter shall limit any liability which may exist by virtue of any other statute or under common law if this law were not in effect.

CHAPTER 2. POWERS OF THE COMMISSIONER

31400. 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 shall not require the commissioner to post a bond.

31401. (a) The commissioner may in his discretion (1) 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) publish information concerning the violation of this law or any rule or order hereunder.

(b) 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.

(c) 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.

(d) 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.

31402. If in the opinion of the commissioner the offer of any franchise is subject to registration under this law and it is being, or it has been, offered for sale without such offer first being registered, the commissioner may order the franchisor or offeror of such franchise to desist and refrain from the further offer or sale of such franchise unless and until such offer has been duly registered under this law. If, after such an order has been made, a request for a hearing is filed in writing by the person to whom such order was directed, a hearing shall be held in accordance with the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the commissioner shall have all of the powers granted thereunder; unless such hearing is commenced within 15 days after the request is made (or the person affected consents to a later date), such order shall be deemed rescinded.

31403. If, in the opinion of the commissioner, the offer of any franchise exempt from registration under this law is being or has been offered for sale without complying with the provisions of Section 31101 or 31201, the commissioner may order the franchisor or offeror of such franchise to desist and refrain from the further offer or sale of such franchise unless and until such offer is made in compliance with this law. If, after such an order has been made, a request for a hearing is filed in writing by the person to whom such order was directed, a hearing shall be held in accordance with the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the commissioner shall have all of the powers granted thereunder. Unless such hearing is commenced within 15 days after the request is made, or the person affected consents to a later date, such order shall be deemed rescinded.

31404. 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 3. Crimes

31410. Any person who willfully violates any provision of this law, or who willfully violates any rule or order under this law, 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.

31411. Any person who willfully employs, directly or indirectly, any device, scheme, or artifice to defraud in connection with the offer or sale of any franchise or willfully engages, directly or indirectly, in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person in connection with the offer, purchase, or sale of any franchise 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.

31412. Nothing in this law limits the power of the state to punish any person for any conduct which constitutes a crime under any other statute.

CHAPTER 4. SERVICE OF PROCESS

31420. When any person, including any nonresident of this state, engages in conduct prohibited or made actionable by this law or any rule or order hereunder, whether or not he has filed a consent to service of process under Section 31155, and personal jurisdiction over him cannot otherwise be obtained in this state, that conduct shall be considered equivalent to his appointment of 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 grows out of that conduct and which is brought under this law or any rule or order hereunder, with the same force and validity as if served on him personally. 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 known address or takes other steps which are reasonably calculated to give actual notice, 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.

PART 5. ADMINISTRATION

31500. (a) The commissioner shall charge and collect the fees fixed by this section. All fees and charges collected under this section shall be transmitted to the State Treasurer at least weekly, accompanied by a detailed statement thereof and shall be credited to the General Fund.

(b) The fee for filing an application for registration of the sale of franchises under Section 31111 is two hundred dollars ($200).

(c) The fee for filing an application for renewal of a registration under Section 31121 is fifty dollars ($50).

(d) The fee for filing an amendment to the application filed under Sections 31111 or 31121 is fifty dollars ($50).

31501. Every final order, decision, license, or other official act of the commissioner is subject to judicial review in accordance with law.

31502. 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 law, including rules and forms governing applications and reports, and defining any terms, whether or not used in this law, insofar as the definitions are not inconsistent with the provisions of this law.

31503. All rules of the commissioner, other than those relating solely to the internal administration of the Department of Corporations, shall be made, amended or rescinded 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.

31504. (a) All applications, reports and other papers and documents filed with the commissioner under this law shall be open to public inspection, except that the commissioner may, in his discretion, withhold from public inspection any information the disclosure of which is, in the judgment of the commissioner, not necessary in the public interest or for the protection of investors. The commissioner may publish any information filed with him or obtained by him, if, in the judgment of the commissioner, such action is in the public interest. No provision of this law authorizes the commissioner or any of his assistants, clerks, or deputies to disclose any information withheld from public inspection except among themselves or when necessary or appropriate in a proceeding or investigation under this law or to other federal or state regulatory agencies. No provision of this law either creates or derogates from any privilege which exists at common law or otherwise when documentary or other evidence is sought under a subpoena directed to the commissioner or any of his assistants, clerks, or deputies.

(b) It is unlawful for the commissioner or any of his assistants, clerks, or deputies to use for personal benefit any information which is filed with or obtained by the commissioner and which is not then generally available to the public.

31505. Upon request and at such reasonable charges as he prescribes by rule, the commissioner shall furnish to any person photostatic or other copies (certified under his seal of office if requested) of any document which is retained as a matter of public record, except that he shall not charge or collect any fee for photostatic or other copies of any document furnished to public officers for use in their official capacity. In any

judicial proceeding or prosecution, any copy so certified is prima facie evidence of the contents of the document certified.

31506. (a) The commissioner may destroy any applications or orders, together with the files and folders, as useless or obsolete, four years after the date of filing or issuance, with the approval of the Department of General Services; provided that a permanent record shall be maintained of any disciplinary action taken by the commissioner.

(b) Copies on microfilm or in other form which may be retained by the commissioner in his discretion of any records destroyed under this section shall be accepted for all purposes as equivalent to the original when certified by the commissioner.

PART 6. GENERAL PROVISIONS.

31510. The commissioner in his discretion may honor requests from interested persons for interpretive opinions.

31511. No provision of this law imposing any liability applies to any act done or omitted in good faith in conformity with any rule, form, order, or any written interpretive opinion of the commissioner, or any opinion of the Attorney General, notwithstanding that the rule, form, order, or written interpretive opinion may later be amended or rescinded or be determined by judicial or other authority to be invalid for any reason.

31512. Any condition, stipulation or provision purporting to bind any person acquiring any franchise to waive compliance with any provision of this law or any rule or order hereunder is void.

31513. Whenever a person is entitled under this law to a hearing in accordance with the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, a formal hearing before the Department of Corporations may be substituted with the consent of such person and of the commissioner for such hearing before an independent hearing officer; and in that case after such hearing before the Department of Corporations such person shall not be entitled to any further administrative remedy.

31514. If any provision of this law or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this law which can be given effect without the invalid provision or application, and to this end the provisions of this law are declared to be severable.

31515. Prior law exclusively governs all suits, actions, prosecutions or proceedings which are pending or may be initiated on the basis of facts or circumstances occurring before the effective date of this law.

31516. Nothing in this law is intended to preclude the applicability of the Real Estate Law, Part 1 (commencing with

Section 10000), Division 4 of the Business and Professions Code, to any sale or lease of real property.

SEC. 4. The Commissioner of Corporations may adopt, 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, such rules and regulations as may be necessary to carry out the purposes of the Franchise Investment Law, as enacted by Section 3 of this act, to become operative on January 1, 1971.

SEC. 5. Sections 1 to 3, inclusive, of this act shall become operative on January 1, 1971.

CHAPTER 1401

An act to amend Section 13948 of the Education Code, relating to the State Teachers' Retirement System.

[Approved by Governor September 18, 1970. Filed with Secretary of State September 18, 1970.]

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

SECTION 1. Section 13948 of the Education Code is amended to read:

13948. Persons who are members on account of previous school employments as provided by this chapter and who are employed by the state to render service of an educational nature in the State Department of Education or in the office of the Chancellor of the California Community Colleges, or as Superintendent of Public Instruction, or as a deputy or associate superintendent of public instruction, are members of the system, unless they elect by a writing filed in the office of the board within 90 days after such employment not to be a member.

SEC. 2. The amendment of Section 13948 of the Education Code enacted at the 1970 Regular Session of the Legislature does not constitute a change in, but is declaratory of, the existing law.

CHAPTER 1402

An act to amend Sections 18901, 18902, 18904, and 18909 of the Health and Safety Code, relating to housing.

[Approved by Governor September 18, 1970. Filed with Secretary of State September 18, 1970.]

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

SECTION 1. Section 18901 of the Health and Safety Code is amended to read:

18901. There is in the Department of General Services a State Building Standards Commission consisting of the Direc-

tor of General Services and 11 members appointed by the Governor subject to confirmation by the Senate.

All appointed members of the commission shall be experienced in building construction and building codes and standards, except that the public members need not have such experience.

The Governor shall appoint (a) four members from among the professions and industries concerned with building construction, of whom one shall be an architect, one a structural engineer, one a mechanical engineer who is also registered as an electrical engineer and one a contractor; (b) three members from among the general public; (c) one member from organized labor in the building trades; and (d) three members from among local government officials.

The members of the commission shall serve without compensation. Members of the commission who are not state officers shall be paid their actual necessary travel expenses.

The term of office of such appointed members shall be four years and they shall hold office until the appointment and qualification of their successors. The terms of two members of the commission in office on the effective date of the amendments to this section enacted at the 1965 Regular Session of the Legislature shall expire on January 1, 1966, the term of three on January 1, 1967, the term of two on January 1, 1968, and the term of three on January 1, 1969. The term of each such member shall be determined by lot. The first term of the member added to the commission by the amendments to this section enacted at the 1970 Regular Session of the Legislature shall expire on January 1, 1974.

The Director of General Services shall serve as the chairman of the commission. The Director of General Services may, as provided in Section 7.5 of the Government Code, designate a Deputy Director of the Department of General Services to act in his place as chairman. The commission shall elect a vice chairman annually from among its members.

The Governor may appoint advisory members from the state agencies which administer and enforce building regulations.

The Director of General Services shall provide the necessary staff services to the commission and may appoint, in accordance with civil service and other provisions of law, such officers and employees as may be necessary to carry out the intent and purposes of this part.

SEC. 2. Section 18902 of the Health and Safety Code is amended to read:

18902. The commission shall in cooperation with all state agencies concerned, rewrite where necessary, promulgate and publish in accordance with the Administrative Procedure Act a single State Building Standards Code of all administrative building regulations of state agencies relating to building standards which are enforced or supervised by state agencies, which code may include administrative regulations. The State

Building Standards Commission shall adopt, by means of reference, applicable national specifications, published standards, and model codes, where appropriate, using exceptions where necessary. Such code shall indicate the agency having responsibility vested by law for the administration of each building regulation. The code shall include an index and reference guide. The provisions of such code shall when adopted and published as provided in this part, supersede all then existing administrative regulations relating to building standards issued by individual state agencies. Thereafter, such state agencies shall use the nomenclature and arrangement adopted by the commission as provided in this part.

The commission may approve and publish amendments to the code not oftener than once a year, except that by three-fourths vote of all its members the commission may find that an emergency exists and may then adopt and publish amendments as needed.

Such code may contain references to state laws relating to building standards, to model codes, published standards, or national specifications.

Such code shall be known as the State Building Standards Code.

The Department of General Services shall publish the State Building Standards Code and all amendments and publications relating thereto, excepting therefrom the text of those national specifications, published standards, and model codes which have been adopted by means of reference, in suitable looseleaf form and shall make it available to the public at a reasonable price. It shall be the duty of each state department concerned and of each city or county to have an up-to-date copy of the code available for public inspection.

The commission may purchase, stockpile, and sell to the public at a reasonable price any referenced materials, and may publish and sell to the public at a reasonable price any referenced material that it deems is not adequately available.

SEC. 2. Section 18904 of the Health and Safety Code is amended to read:

18904. It is the purpose of this part to provide the means for eliminating duplication, conflict and overlapping in state building regulations and not to substitute the commission for the responsibilities now vested by law in various state agencies. To that end each state agency concerned shall continue to prepare such building regulations as it is authorized and finds necessary, but such regulations shall not be effective until approved by the commission. The commission shall review such regulations, and if it finds duplication, conflict, or overlapping, or if it finds that the nomenclature or arrangement does not conform to that adopted by the commission or that a proposed regulation is not written in conformance with standards required under Section 18911, it shall require any agency to submit revisions of such regulations within not less than 120

days nor more than 180 days after date of the receipt of the request. If such agency does not do so within 180 days, the commission shall convene a committee composed of a representative from the agencies affected and a member of each of the advisory panels affected. This committee shall prepare a recommendation for commission action. Upon such recommendation, or, if the committee does not prepare such a recommendation and deliver it to the commission within 45 days after being convened, the commission may rewrite, edit, or amend such existing and proposed regulations consistent with the intent of this part, and as provided by the Administrative Procedure Act. It shall not, however, be required that hearings or other administrative procedures be duplicated on unchanged portions of administrative regulations previously adopted, and approved by the commission.

SEC. 3. Section 18909 of the Health and Safety Code is amended to read:

18909. The commission shall notify affected design professions, chambers of commerce and construction industry organizations, and governmental agencies who have made written request to be informed, as to the proposals it has under consideration at least 30 days prior to notice of public hearings.

CHAPTER 1403

An act to amend Section 13710 of the Education Code, relating to school employment.

[Approved by Governor September 18, 1970. Filed with Secretary of State September 18, 1970.]

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

SECTION 1. Section 13710 of the Education Code is amended to read:

13710. The commission shall prepare an annual budget for its own office which, upon the approval of the county superintendent of schools, shall be included by the governing board in the regular budget of the school district. The annual budget of the commission may include amounts for the purposes of Sections 13711.5 and 13711.6.

The budget shall be prepared for a public hearing by the commission to be held not later than May 30 of each year. The commission shall forward a copy of its proposed budget to the governing board indicating the time, date and place for the public hearing of the budget and shall invite board and district administration representatives to attend and present their views. The commission shall fully consider the views of the governing board prior to adoption of its proposed budget. The commission shall then forward its proposed budget to the county superintendent of schools for action.

If the county superintendent of schools proposes to reject the budget as submitted by the commission, he shall, within 30 days days after the commission's submission of the budget, hold a public hearing on the proposed rejection within the affected district. He shall have informed both the commission and the governing board of the date, time and place of the hearing. He may after such public hearing either reject, or, with the concurrence of the commission, amend the proposed budget. In the absence of agreement between the personnel commission and the county superintendent the budget of the preceding year shall determine the amount of the new budget, and the items of expenditure shall be determined by the commission.

CHAPTER 1404

An act to amend Sections 1050 and 3031 of, to add Article 2.5 (commencing with Section 3049) to Chapter 1 of Part 1 of Division 4 of, and to repeal Sections 3032 and 3033 of, the Fish and Game Code, relating to safe hunting practices.

[Approved by Governor September 18, 1970. Filed with Secretary of State September 18, 1970.]

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

SECTION 1. Section 1050 of the Fish and Game Code is amended to read:

1050. All licenses, certificates, permits, and license tags authorized by this code shall be prepared and issued by the department.

The commission shall determine the form of all licenses, license tags, and certificates and the method of carrying and displaying all licenses, and may require and prescribe the form of applications therefor, and the form of any contrivance to be used in connection therewith.

Whenever under any of the provisions of this code a permit, certificate, or license is provided for, the commission shall, in accordance with such provisions, prescribe the terms and conditions under which the permit, certificate, or license shall be issued and the department shall issue the permit, certificate, or license in accordance therewith and with the applicable provisions of law.

SEC. 2. Section 3031 of the Fish and Game Code is amended to read:

3031. A hunting license, granting the privilege to take game birds and mammals, shall be issued:

(a) To any resident of this state, over the age of 16 years, upon the payment of four dollars ($4).

(b) To any resident of this state, under the age of 16 years, upon the payment of one dollar ($1).

(c) To any person not a resident of this state, upon the payment of twenty-five dollars ($25).

(d) To any person not a resident of this state, valid for one day and only for the taking of domesticated birds and pheasants while on the premises of a licensed pheasant club, upon the payment of five dollars ($5).

(e) To any person not a resident of this state, valid only at an organizational field trial under the provisions of Section 3510 upon the payment of five dollars ($5).

(f) To the wife of any veteran, as defined in Section 980 of the Military and Veterans Code, upon payment of the fee specified in subdivision (a), even though she be an alien.

SEC. 2.5. Section 3031 of the Fish and Game Code is amended to read:

3031. A hunting license, granting the privilege to take game birds and mammals, shall be issued:

(a) To any resident of this state, over the age of 16 years, upon the payment of four dollars ($4).

(b) To any resident of this state, under the age of 16 years, upon the payment of one dollar ($1).

(c) To any person not a resident of this state, upon the payment of twenty-five dollars ($25).

(d) To any person not a resident of this state, valid for one day and only for the taking of domesticated birds and pheasants while on the premises of a licensed pheasant club, or for the taking of domesticated migratory game birds on areas licensed for shooting such birds, upon the payment of five dollars ($5).

(e) To any person not a resident of this state, valid only at an organizational field trial under the provisions of Section 3510, upon the payment of five dollars ($5).

(f) To the wife of any veteran, as defined in Section 980 of the Military and Veterans Code, upon payment of the fee specified in subdivision (a), even though she be an alien.

SEC. 3. Section 3032 of the Fish and Game Code is repealed.

SEC. 4. Section 3033 of the Fish and Game Code is repealed.

SEC. 5. Article 2.5 (commencing with Section 3049) is added to Chapter 1 of Part 1 of Division 4 of the Fish and Game Code, to read:

Article 2.5. Hunter's Safety

3049. It is the intent of the Legislature in enacting this article to ensure the health and safety of its citizens engaged in activities requiring the use of hunting implements.

The Legislature finds and declares that individuals who engage in hunting should possess an adequate understanding of hunter safety practices, principles of conservation, and sportsmanship.

It is also the intent of the Legislature that persons so engaged be mindful of their responsibilities to others, toward wildlife, and toward their natural environment. The depart-

ment shall take all steps necessary to carry out the provisions of this article.

3050. No resident hunting license shall be issued to any person unless he presents to the person authorized to issue such license either: (a) Evidence that he has held a hunting license issued by this state in a prior year. (b) A certificate of competence in hunter safety, principles of conservation, and sportsmanship as provided in this article, with a hunter safety instruction validation stamp affixed thereto. (c) A certificate of successful completion of a hunter safety course in another state. (d) Such evidence of competence in hunter safety, principles of conservation, and sportsmanship as the commission may, by regulation, require.

The evidence required in subdivisions (a), (b), and (c) shall be forwarded to the department with the license agent's report of hunting license sales.

This section shall not be applicable to any person not a resident of this state, purchasing a hunting license under the provisions of subdivision (d) or (e) of Section 3031. Such license shall not qualify as evidence required in subdivision (a) or (c) of this section.

3051. The department shall provide for a course of instruction in hunter safety, principles of conservation, and sportsmanship, and for this purpose may cooperate with any reputable association or organization having as one of its objectives the promotion of hunter safety, principles of conservation, and sportsmanship.

The department may designate as a hunter safety instructor any person found by it to be competent to give instruction in the courses required in this article. A person so appointed shall give such course of instruction, and, upon completion thereof, shall issue to the person instructed a certificate of competency as provided by the department in hunter safety, principles of conservation, and sportsmanship.

The department shall prescribe a minimum level of skill and knowledge to be required of all hunter safety instructors, and may limit the number of students per instructor in all required classes.

The department may revoke the certificate of any instructor when, in the opinion of the department, it is in the best interest of the state to do so.

3052. No fee shall be charged for the instructor's service, however, a fee to cover the cost of giving such instructions may be charged each person participating and receiving such instructions. A record of such expenses shall be kept for inspection by the department. Such expenses may include, but not be limited to, such items as range fees, ammunition and transportation of students.

3053. In the case of loss or destruction of a certificate, a duplicate certificate may be issued by the instructor who issued the original certificate, or, by an instructor of the spon-

soring organization having adequate records to establish successful completion of the prescribed course.

3054. The department shall furnish information on hunter safety, principles of conservation and sportsmanship which shall be distributed free of charge to persons designated as hunter safety instructors for instructional purposes.

3055. Persons who apply for a resident hunting license and qualify for such a license through the issuance of a certificate of competence in hunter safety, principles of conservation, and sportsmanship as provided by this article, shall obtain a hunter safety instruction validation stamp. The hunter safety instruction validation stamp shall be issued by license agents for a fee of one dollar ($1) in the same manner as resident hunting licenses except that the compensation provided in Section 1055 shall not be paid to the license agent for the sale of such stamp. The validation stamp shall be affixed to the certificate of competence.

SEC. 6. This act shall become operative on June 1, 1971.

SEC. 7. It is the intent of the Legislature, if amendments to Section 3031 of the Fish and Game Code proposed by both this bill and Assembly Bill No. 849 are enacted, that both amendments be given effect and incorporated in Section 3031 in the form set forth in Section 2.5 of this act. Therefore, in the event Assembly Bill No. 849 is enacted and amends Section 3031, Section 2.5 of this act shall become operative on June 1, 1971 and Section 2 of this act shall not take effect.

CHAPTER 1405

An act to add Sections 11655.7 and 11655.8 to the Health and Safety Code, relating to narcotics, declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 18, 1970 Filed with Secretary of State September 18, 1970]

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

SECTION 1. Section 11655.7 is added to the Health and Safety Code, to read:

11655.7. (a) In addition to the duties authorized by other provisions, the panel shall:

(1) Have exclusive authority to approve the establishment of methadone maintenance programs in this state, and shall establish the criteria for such programs;

(2) Study and evaluate, on an ongoing basis, all methadone maintenance programs in this state, and provide any appropriate assistance and advice to such programs;

(3) In its discretion, approve of local agencies or bodies to assist the panel with respect to authorizing and evaluating programs in each county in the state;

(4) Report annually to the Legislature on the status and progress of methadone maintenance programs in this state.

(b) In addition to the members appointed to the Research Advisory Panel under Section 11655.5, two licensed physicians experienced in the establishment and operation of methadone maintenance programs in California shall be appointed to the panel by the Chairman of the Research Advisory Panel, but such additional members shall not participate in the meetings and decisions of the panel except when it is dealing with matters related to the use of methadone.

SEC. 2. Section 11655.8 is added to the Health and Safety Code, to read:

11655.8. No provision of this division shall be construed to prohibit the establishment and effective operation of a methadone maintenance treatment program approved pursuant to Section 11655.7.

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:

Thousands of lives and hundreds of millions of dollars are annually being wasted because methadone maintenance treatment programs are unavailable to most heroin addicts in California. This problem, which continues to grow more serious every day, can only be alleviated by the provisions of this act, and therefore it is necessary that this act go into effect immediately.

CHAPTER 1406

An act to amend Section 17601.1 of, and to add Sections 11485 and 11486 to, the Education Code, relating to average daily attendance.

[Approved by Governor September 18, 1970. Filed with Secretary of State September 18, 1970.]

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

SECTION 1. Section 11485 is added to the Education Code, to read:

11485. Pupils under the jurisdiction of the Department of the Youth Authority attending a regular community college attendance center shall be deemed district residents, as defined in Section 25505, for purposes of computing units of average daily attendance under Section 11475.

SEC. 2. Section 11486 is added to the Education Code, to read:

11486. Upon approval of the Board of Governors of the California Community Colleges, the governing board of any community college may utilize a system of attendance accounting and reporting on a districtwide basis.

SEC. 3. 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 actively enrolled in the district during the period in which the census is taken.

(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. 4. 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 separate state support which is provided for attendance in such schools and classes shall be recomputed on the basis of the fiscal year average daily attendance, and increases and decreases in apportionments shall be added or withheld in the next succeeding fiscal year pursuant to Section 17414.

(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 actively enrolled in the district during the period in which the census is taken.

(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 attend-

ance 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. It is the intent of the Legislature, if amendments to Section 17601.1 of the Education Code proposed by both this bill and by S.B. 381 are enacted, that both amendments be given effect and incorporated in Section 17601.1 in the form set forth in Section 4 of this act. Therefore, in the event S.B. 381 is enacted and amends Section 17601.1, Section 4 of this act shall become operative on the effective date of this act and Section 3 of this act shall not take effect.

CHAPTER 1407

An act to add Section 21252.03 to the Government Code, relating to the Public Employees' Retirement System.

[Approved by Governor September 18, 1970. Filed with Secretary of State September 18, 1970.]

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

SECTION 1. Section 21252.03 is added to the Government Code, to read:

21252.03. A contracting agency may elect to be subject to Section 21252.01 with respect to only those local safety members who are local policemen, those who are local firemen, and those who are local safety members as defined in Section 20019.3 as local safety members.

CHAPTER 1408

An act to amend Section 28117 of, and to add Section 28008 to, the Government Code, relating to county officers.

[Approved by Governor September 18, 1970. Filed with Secretary of State September 18, 1970.]

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

SECTION 1. Section 28008 is added to the Government Code, to read:

28008. The board of supervisors may designate one or more state or national banks doing business in the county as dis-

bursing agent for the auditor to pay the salaries of such persons whose salaries are paid from the county treasury as may from time to time elect by a written instrument delivered to the auditor, to receive their salaries from such disbursing agent. In lieu of drawing separate salary warrants for such persons as shall have elected to be paid their salaries by such disbursing agent, the auditor may deliver to such disbursing agent a single warrant for the total combined salaries of such persons on or before the designated payday, together with the information necessary to disburse such salaries. The board of supervisors may enter into written contracts with such state and national banks for their services as such disbursing agents on such terms as the board deems appropriate.

SEC. 2. 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) 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 ten cents ($0.10) 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.

(b) 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.

CHAPTER 1409

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

[Approved by Governor September 18, 1970. Filed with Secretary of State September 18, 1970.]

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 or under the laws of the state, 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 1410

An act to add Chapter 3 (commencing with Section 4301) to Division 2 of, and to repeal Chapter 3 (commencing with Section 4301) of Division 2 of, the Public Utilities Code, relating to taxation of transportation, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 18, 1970 Filed with Secretary of State September 18, 1970]

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

SECTION 1. Chapter 3 (commencing with Section 4301) of Division 2 of the Public Utilities Code is repealed.

SEC. 2. Chapter 3 (commencing with Section 4301) is added to Division 2 of the Public Utilities Code, to read:

CHAPTER 3. HIGHWAY CARRIERS' UNIFORM BUSINESS LICENSE TAX

4301. This chapter may be cited as the "Highway Carriers' Uniform Business License Tax Act."

4302. An adequate transportation system is essential to the welfare of the state, and an important part of that system is service rendered by highway carriers.

4303. On and after January 1, 1971, no city or city and county shall assess, levy, or collect an excise or license tax of any kind, character, or description whatever upon the intercity transportation business of any express corporation, freight forwarder, motor transportation broker, or person or corporation, owning or operating motor vehicles in the transportation of property for hire upon the public highways, under the jurisdiction of the commission For purposes of this chapter, intercity transportation business includes every service performed in connection with transportation of property by such transportation companies where both the origin point and the

destination point of such transported property are not within the exterior boundaries of a single city or city and county.

4304. On and after October 1, 1970, there is imposed upon every express corporation, freight forwarder, motor transportation broker, and every person or corporation, owning or operating motor vehicles in the transportation of property for hire upon the public highways, under the jurisdiction of the commission, a license fee equal to one-tenth of 1 percent of gross operating revenue, which shall be payable to the commission in the manner and at the times provided for the payment of the fee provided in Section 5003.1. For purposes of this section, "gross operating revenue" shall be the gross operating revenue defined in Section 5002.

The license fee imposed by this section is in lieu of all city or city and county excise or license taxes of any kind, character, or description whatever, upon the intercity transportation business of any express corporation, freight forwarder, motor transportation broker, or person or corporation, owning or operating motor vehicles in the transportation of property for hire upon the public highways, under the jurisdiction of the commission.

This section does not prohibit the imposition by any city, or city and county, of any excise or license tax authorized under Division 2 (commencing with Section 6001) of the Revenue and Taxation Code.

4305. Any person or corporation, subject to the license fee imposed by Section 4304, required to pay any excise or license tax of any kind, character, or description whatever imposed by any city, or city and county, other than an excise or license tax authorized under Division 2 (commencing with Section 6001) of the Revenue and Taxation Code, for the privilege of doing business therein, on or after January 1, 1971, may credit the amount of such tax against the fee imposed by Section 4304.

4306. (a) All funds collected by the commission pursuant to this chapter, less all refunds and administrative costs incurred by the commission, shall be deposited in the State Treasury to the credit of a special account in the General Fund to be known as the "Highway Carriers' Uniform Business License Tax Account." All such money in the special account is hereby appropriated to the Controller, and the commission shall report to the Controller those cities and cities and counties imposing business license taxes for which credits have been taken as provided by Section 4305 and the amounts of such credits taken, reported for each city or city and county. The Controller, after deducting the direct cost of administering the special account, shall disburse the balance of the account as provided in this section.

(b) On or before the 15th day of February, May, August, and November of each year, the balance of the funds appropriated by this section shall be disbursed to the cities, and cities and counties, of this state in the proportion that the population

of each city and each city and county bears to the total population of all cities and cities and counties in this state. In determining the amount of such disbursements the Controller shall increase the special account by the amount of the credits taken pursuant to Section 4305, and determine the proportion of the special account as so increased to be disbursed to each city or each city and county, treating the amounts of such credits as distributions to those cities or cities and counties reported to the Controller pursuant to subdivision (a) of this section.

(c) For purposes of this subdivision, the population of each city and each city and county shall be the population determined by the Controller pursuant to Section 11005 of the Revenue and Taxation Code.

(d) Funds disbursed by the Controller pursuant to this section may be used for city or city and county purposes, as the case may be, or may, but need not necessarily, be used for state purposes.

4307 This chapter shall remain in effect until three years after its effective date, and shall have no force or effect after that date.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The present financial crisis of the cities is of critical importance to the state, and since cities must make expenditures for state purposes, it is necessary that this act go into immediate effect.

CHAPTER 1411

An act to add Section 169 to the Penal Code, relating to crimes against public justice.

[Approved by Governor September 18, 1970. Filed with Secretary of State September 18, 1970.]

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

SECTION 1. Section 169 is added to the Penal Code, to read:

169. Any person who pickets or parades in or near a building which houses a court of this state with the intent to interfere with, obstruct, or impede the administration of justice or with the intent to influence any judge, juror, witness, or officer of the court in the discharge of his duty is guilty of a misdemeanor.

CHAPTER 1412

An act to amend Sections 13080 13081, 13085, 13087 and 13088 of, and to add Sections 13087.1 and 13089 to, the Education Code, relating to public school employee organizations.

[Approved by Governor September 18, 1970. Filed with Secretary of State September 18, 1970.]

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

SECTION 1. Section 13080 of the Education Code is amended to read:

13080. It is the purpose of this article to promote the improvement of personnel management and employer-employee relations within the public school systems in the State of California by providing a uniform basis for recognizing the right of public school employees to join organizations of their own choice and be represented by such organizations in their professional and employment relationships with public school employers and to afford certificated employees a voice in the formulation of educational policy. Nothing contained herein shall be deemed to supersede other provisions of this code and the rules and regulations of public school employers which establish and regulate tenure or a merit or civil service system or which provide for other methods of administering employer-employee relations. This article is intended, instead, to strengthen tenure, merit, civil service and other methods of administering employer-employee relations through the establishment of uniform and orderly methods of communication between employees and the public school employers by which they are employed.

It is the further intention of the Legislature that nothing contained in this article shall be construed to restrict, limit, or prohibit the full exercise of the functions of any academic senate or faculty council established by a school district in a community college to represent the faculty in making recommendations to the administration and governing board of such school district with respect to district policies on academic and professional matters.

SEC. 3. Section 13081 of the Education Code is amended to read:

13081. As used in this article:

(a) "Employee organization" means any organization which includes employees of a public school employer and which has as one of its primary purposes representing such employees in their relations with that public school employer.

(b) "Public school employer" means the governing board of a school district, a school district, a county board of education, a county superintendent of schools, or a personnel commission of a school district which has a merit system as provided in Chapter 3 of this division.

(c) "Public school employee" means any person employed by any public school employer excepting those persons elected by popular vote or appointed by the Governor of this state.

(d) "Meet and confer" means that a public school employer, or such representatives as it may designate, and representatives of employee organizations shall have the mutual obligation to exchange freely information, opinions, and proposals; and to make and consider recommendations under orderly procedures in a conscientious effort to reach agreement by written resolution, regulation, or policy of the governing board effectuating such recommendations.

(e) "Persistent disagreement" means a disagreement between the parties to meeting and conferring required by this article that has not been resolved to the mutual satisfaction of the parties through such meeting and conferring within a reasonable period of time after the initial presentation of proposals, which shall be not less than 30 days, except by mutual consent.

SEC. 4. Section 13085 of the Education Code is amended to read:

13085. A public school employer, or such representatives as it may designate who may, but need not be, subject to either certification requirements or requirements for classified employees as set forth in this code, shall meet and confer with representatives of certificated and classified employee organizations upon request with regard to all matters relating to employment conditions and employer-employee relations, and in addition, shall meet and confer with representatives of employee organizations representing certificated employees upon request with regard to procedures relating to the definition of educational objectives, the determination of the content of courses and curricula, the selection of textbooks, and other aspects of the instructional program to the extent such matters are within the discretion of the public school employer or governing board under the law. The designation of representatives as provided herein shall not preclude an employee organization from meeting with, appearing before, or making proposals to the public school employer at a public meeting if the employee organization requests such a public meeting.

Notwithstanding the provisions of Sections 13082 and 13083, in the event there is more than one employee organization representing certificated employees, the public school employer shall meet and confer with the representatives of such employee organizations through a certificated employee council with regard to the matters specified in this section, provided that nothing herein shall prohibit any employee from appearing in his own behalf in his employment relations with the public school employer The certificated employee council shall have not more than nine nor less than five members and shall be composed of representatives of those employee organizations who are entitled to representation on the certificated employee council. An employee organization representing certificated

employees shall be entitled to appoint such number of members of the certificated employee council as bears as nearly as practicable the same ratio to the total number of members of the certificated employee council as the number of members of the employee organization bears to the total number of certificated employees of the public school employer who are members of employee organizations representing certificated employees. Each employee organization shall adopt procedures for selecting its proportionate share of members of the certificated employee council, provided that such members shall be selected no later than October 31 of each school year. Within 10 days after October 31, the members of the certificated employee council shall meet and select a chairman, and thereafter such certificated employee council shall be legally constituted to meet and confer as provided for by the provisions of this article. Employee organizations shall exercise the rights given by Section 13083 through the certificated employee council provided for in this section.

SEC. 4. Section 13087 of the Education Code is amended to read:

13087. A public school employer shall adopt reasonable rules and regulations for the administration of employer-employee relations under this article.

Such rules and regulations shall include provision for verifying the number of certificated employees of the public school employer who are members in good standing of an employee organization on the date of such verification, and where a certificated employee council is required by Section 13085, for the size of the certificated employee council. The public school employer may require an employee organization to submit any supplementary information or data considered by the public school employer to be necessary to the verification of the number of members in an employee organization and such information or data shall be submitted by the organization within 10 days after request, provided that membership lists, if requested, shall not be used as a means of violating Section 13086. In addition, such rules may include provisions for (a) verifying the official status of employee organization officers and representatives, (b) access of employee organization officers and representatives to work locations, (c) use of official bulletin boards and other means of communication by employee organizations, (d) furnishing complete and accurate nonconfidential information pertaining to employment relations to employee organizations and (e) such other matters as are necessary to carry out the purposes of this article.

SEC. 5. Section 13087.1 is added to the Education Code, to read:

13087.1. A public school employer shall meet and confer with representatives of employee organizations or the certificated employee council pursuant to Section 13085 with regard to a procedure for the resolution of persistent disagreements which may include factfinding and shall adopt rules and

regulations establishing such a procedure, which procedure shall be mutually acceptable to the parties meeting and conferring. In the event the parties cannot agree on a procedure for the resolution of persistent disagreements, the parties, at the request of one of them, shall refer any persistent disagreement to a committee of three persons, one selected by the school employer, one selected by the employee organization or the certificated employee council, as the case may be, and in turn those persons shall select the third member. The committee shall report its findings to the parties at a public meeting of the parties. The committee may report recommendations to the parties at a public meeting upon the prior written agreement of both parties. Such findings and recommendations shall not be binding on the parties.

SEC. 6. Section 13088 of the Education Code is amended to read:

13088. The enactment of this article shall not be construed as making the provisions of Section 923 of the Labor Code applicable to public school employees and shall not be construed as prohibiting a public school employer from making the final decision with regard to all matters specified under Section 13085.

SEC. 7. Section 13089 is added to the Education Code, to read:

13089. This article shall be known and may be cited as the Gordon H. Winton, Jr., School Employer-Employee Relations Act or the Winton Act.

CHAPTER 1413

An act to amend Sections 13080, 13081, 13085, 13087, and 13088 of, and to add Sections 13087.1 and 13089 to, the Education Code, relating to public school employee organizations.

[Approved by Governor September 18, 1970. Filed with Secretary of State September 18, 1970.]

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

SECTION 1. Section 13080 of the Education Code is amended to read:

13080. It is the purpose of this article to promote the improvement of personnel management and employer-employee relations within the public school systems in the State of California by providing a uniform basis for recognizing the right of public school employees to join organizations of their own choice and be represented by such organizations in their professional and employment relationships with public school employers and to afford certificated employees a voice in the formulation of educational policy. Nothing contained herein shall be deemed to supersede other provisions of this code and

the rules and regulations of public school employers which establish and regulate tenure or a merit or civil service system or which provide for other methods of administering employer-employee relations. This article is intended, instead, to strengthen tenure, merit, civil service and other methods of administering employer-employee relations through the establishment of uniform and orderly methods of communication between employees and the public school employers by which they are employed.

It is the further intention of the Legislature that nothing contained in this article shall be construed to restrict, limit, or prohibit the full exercise of the functions of any academic senate or faculty council established by a school district in a community college to represent the faculty in making recommendations to the administration and governing board of such school district with respect to district policies on academic and professional matters.

SEC. 2. Section 13081 of the Education Code is amended to read:

13081. As used in this article:

(a) "Employee organization" means any organization which includes employees of a public school employer and which has as one of its primary purposes representing such employees in their relations with that public school employer.

(b) "Public school employer" means the governing board of a school district, a school district, a county board of education, a county superintendent of schools, or a personnel commission of a school district which has a merit system as provided in Chapter 3 of this division.

(c) "Public school employee" means any person employed by any public school employer excepting those persons elected by popular vote or appointed by the Governor of this state.

(d) "Meet and confer" means that a public school employer, or such representatives as it may designate, and representatives of employee organizations shall have the mutual obligation to exchange freely information, opinions, and proposals; and to make and consider recommendations under orderly procedures in a conscientious effort to reach agreement by written resolution, regulation, or policy of the governing board effectuating such recommendations.

(e) "Persistent disagreement" means a disagreement between the parties to meeting and conferring required by this article that has not been resolved to the mutual satisfaction of the parties through such meeting and conferring within a reasonable period of time after the initial presentation of proposals, which shall be not less than 30 days, except by mutual consent.

SEC. 3. Section 13085 of the Education Code is amended to read:

13085. A public school employer, or such representatives as it may designate who may, but need not be, subject to either certification requirements or requirements for classified em-

ployees as set forth in this code, shall meet and confer with representatives of certificated and classified employee organizations upon request with regard to all matters relating to employment conditions and employer-employee relations, and in addition, shall meet and confer with representatives of employee organizations representing certificated employees upon request with regard to procedures relating to the definition of educational objectives, the determination of the content of courses and curricula, the selection of textbooks, and other aspects of the instructional program to the extent such matters are within the discretion of the public school employer or governing board under the law.

The designation of representatives as provided herein shall not preclude an employee organization from meeting with, appearing before, or making proposals to the public school employer at a public meeting if the employee organization requests such a public meeting.

Notwithstanding the provisions of Sections 13082 and 13083, in the event there is more than one employee organization representing certificated employees, the public school employer shall meet and confer with the representatives of such employee organizations through a certificated employee council with regard to the matters specified in this section, provided that nothing herein shall prohibit any employee from appearing in his own behalf in his employment relations with the public school employer. The certificated employee council shall have not more than nine nor less than five members and shall be composed of representatives of those employee organizations who are entitled to representation on the certificated employee council. An employee organization representing certificated employees shall be entitled to appoint such number of members of the certificated employee council as bears as nearly as practicable the same ratio to the total number of members of the certificated employee council as the number of members of the employee organization bears to the total number of certificated employees of the public school employer who are members of employee organizations representing certificated employees. Each employee organization shall adopt procedures for selecting its proportionate share of members of the certificated employee council, provided that such members shall be selected no later than October 31 of each school year. Within 10 days after October 31, the members of the certificated employee council shall meet and select a chairman, and thereafter such certificated employee council shall be legally constituted to meet and confer as provided for by the provisions of this article. Employee organizations shall exercise the rights given by Section 13083 through the certificated employee council provided for in this section.

SEC 4. Section 13087 of the Education Code is amended to read.

13087. A public school employer shall adopt reasonable rules and regulations for the administration of employer-employee relations under this article.

Such rules and regulations shall include provision for verifying the number of certificated employees of the public school employer who are members in good standing of an employee organization on the date of such verification, and where a certificated employee council is required by Section 13085, for the size of the certificated employee council. The public school employer may require an employee organization to submit any supplementary information or data considered by the public school employer to be necessary to the verification of the number of members in an employee organization and such information or data shall be submitted by the organization within 10 days after request, provided that membership lists, if requested, shall not be used as a means of violating Section 13086. In addition, such rules may include provisions for (a) verifying the official status of employee organization officers and representatives, (b) access of employee organization officers and representatives to work locations, (c) use of official bulletin boards and other means of communication by employee organizations, (d) furnishing complete and accurate nonconfidential information pertaining to employment relations to employee organizations and (e) such other matters as are necessary to carry out the purposes of this article.

SEC 5. Section 13087.1 is added to the Education Code, to read:

13087.1. A public school employer shall meet and confer with representatives of employee organizations or the certificated employee council pursuant to Section 13085 with regard to a procedure for the resolution of persistent disagreements which may include factfinding and shall adopt rules and regulations establishing such a procedure, which procedure shall be mutually acceptable to the parties meeting and conferring. In the event the parties cannot agree on a procedure for the resolution of persistent disagreements, the parties, at the request of one of them, shall refer any persistent disagreement to a committee of three persons, one selected by the school employer, one selected by the employee organization or the certificated employee council, as the case may be, and in turn those persons shall select the third member. The committee shall report its findings to the parties at a public meeting of the parties. The committee may report recommendations to the parties at a public meeting upon the prior written agreement of both parties. Such findings and recommendations shall not be binding on the parties.

SEC. 6. Section 13088 of the Education Code is amended to read:

13088. The enactment of this article shall not be construed as making the provisions of Section 923 of the Labor Code applicable to public school employees and shall not be construed as prohibiting a public school employer from making

the final decision with regard to all matters specified under Section 13085.

SEC. 7. Section 13089 is added to the Education Code, to read:

13089. This article shall be known and may be cited as the Gordon H. Winton, Jr., School Employer-Employee Relations Act or the Winton Act.

CHAPTER 1414

An act to amend Sections 4306, 4314, 4319, and 4321 of the Business and Professions Code, relating to prophylactics.

[Approved by Governor September 18, 1970. Filed with Secretary of State September 18, 1970.]

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

SECTION 1. Section 4306 of the Business and Professions Code is amended to read:

4306. A retail prophylactic license shall be issued only to licensed pharmacies and persons or firms holding general dealer's permits issued by the board, under the provisions of this chapter.

SEC. 2. Section 4314 of the Business and Professions Code is amended to read:

4314. No person shall sell, offer for sale, give away or otherwise furnish or distribute prophylactics in this state which fail to conform to the standards specified in this article or the standards adopted by the board pursuant to Section 4312.

SEC. 3. Section 4319 of the Business and Professions Code is amended to read:

4319. A licensed retailer may dispose of prophylactics to other licensees, to physicians or to any other person only under the conditions specified in this article. For purposes of controlling prophylactic quality standards and to facilitate enforcement of this article, no person other than a licensee under this article shall sell, hold for sale, offer for sale, or otherwise furnish or distribute prophylactics for profit within this state.

SEC. 4. Section 4321 of the Business and Professions Code is amended to read:

4321. No licensed retailer shall sell any prophylactic which fails to specifically identify the manufacturer thereof. However, this section shall not apply to any device, appliance or medicinal agent dispensed pursuant to a valid prescription order.

CHAPTER 1415

An act to add Chapter 9 (commencing with Section 2950) to Division 3 of the Health and Safety Code, relating to pesticides.

[Approved by Governor September 18, 1970. Filed with Secretary of State September 18, 1970.]

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

SECTION 1. Chapter 9 (commencing with Section 2950) is added to Division 3 of the Health and Safety Code, to read:

CHAPTER 9. PESTICIDE POISONING

2950. Any physician and surgeon who knows, or has reasonable cause to believe, that a patient is suffering from pesticide poisoning or any disease or condition caused by a pesticide shall promptly report such fact to the local health officer. Each local health officer shall report to the county agricultural commissioner, the Director of Agriculture, and the State Director of Public Health, on a form prescribed by the State Director of Public Health, each case reported to him pursuant to this section within seven days after receipt of any such report.

CHAPTER 1416

An act to add Section 830.9 to the Penal Code and to add Section 28767.5 to the Public Utilities Code, relating to the Bay Area Rapid Transit District.

[Approved by Governor September 18, 1970. Filed with Secretary of State September 18, 1970.]

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

SECTION 1. Section 830.9 is added to the Penal Code, to read:

830.9 (a) Persons designated as security officers by a rapid transit district pursuant to Section 28767.5 of the Public Utilities Code are peace officers while engaged in the performance of their duties as security officers.

(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. Section 28767.5 is added to the Public Utilities Code, to read.

28767.5. The district may employ a suitable security force. The employees of the district that are designated by the general manager as security officers shall have the authority and powers

conferred by Section 830.9 of the Penal Code upon peace officers. The district shall adhere to the standards for recruitment and training of peace officers established by the Commission on Peace Officer Standards and Training pursuant to Title 4 (commencing with Section 13500) of Part 4 of the Penal Code.

CHAPTER 1417

An act to amend Sections 21502, 21504, 21680, 21681, 21683, 21687 and 21688 of, and to amend the heading of Article 4 (commencing with Section 21680) of Chapter 4 of Part 1 of Division 9 of, and to add Section 21507 to, the Public Utilities Code, and to amend Section 8352 of the Revenue and Taxation Code, relating to aviation.

[Approved by Governor September 18, 1970. Filed with Secretary of State September 18, 1970.]

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

SECTION 1. Section 21502 of the Public Utilities Code is amended to read:

21502. (a) The department shall examine, or cause to be examined, downed aircraft transmitting devices submitted to it for approval by the manufacturer and shall approve for use those units found to be effective and reliable within limits and standards established by the department.

(b) Manufacturers making application for approval shall, as prescribed by the department, furnish information, supply units for testing, and submit fees, as determined by the department, sufficient to defray the costs of testing.

SEC. 2. Section 21504 of the Public Utilities Code is amended to read:

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 March 31, 1971, and on all other aircraft, except as provided otherwise in Sections 21501 and 21505, after two years from the effective date of this chapter.

SEC. 3. Section 21507 is added to the Public Utilities Code, to read:

21507. (a) No person shall sell or offer for sale any downed aircraft transmitting device which does not satisfy all of the following requirements:

(1) The device shall meet the minimum standards for such devices, established pursuant to this chapter.

(2) The device shall be approved by the department, as provided by this chapter.

(3) The device shall have legibly inscribed thereon, or have permanently affixed thereto, by the manufacturer, the following statement:

"This downed aircraft transmitter has been approved by, and meets the minimum standards for such devices established by, the State of California."

(b) No downed aircraft transmitting device which fails to exhibit the inscription required in paragraph (3) of subdivision (a) shall meet the requirements of this chapter.

SEC. 4. The heading of Article 4 (commencing with Section 21680) of Chapter 4 of Part 1 of Division 9 of the Public Utilities Code is amended to read:

Article 4. Aeronautics Fund

SEC. 5. Section 21680 of the Public Utilities Code is amended to read:

21680. (a) The Aeronautics Fund is hereby continued in existence 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.

(b) Any reference in any law or regulation to the Airport Assistance Revolving Fund shall be deemed to refer to the Aeronautics Fund as specified in subdivision (a).

SEC. 6. Section 21681 of the Public Utilities Code is amended to read:

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 money provided by the public entity and which does not consist of funds previously received from state or federal agencies or public entity funds previously used to match federal or state funds. This definition shall be retroactive to July 1, 1967.

(c) "General aviation" means all aviation with the exception of air carrier and military aviation.

(d) "Public entity" means any city, county, airport district, airport authority, port district, port authority, public district, public authority, political subdivision or public corporation and the University of California.

(e) "Public agency" means the various agencies of the State of California and the federal government.

(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.

SEC. 7. Section 21681 of the Public Utilities Code is amended to read:

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 money provided by the public entity and which does not consist of funds previously received from state or federal agencies or public entity funds previously used to match federal or state funds. This definition shall be retroactive to July 1, 1967.

(c) "General aviation" means all aviation with the exception of air carrier and military aviation.

(d) "Public entity" means any city, county, airport district, airport authority, port district, port authority, public district, public authority, political subdivision or public corporation and the University of California.

(e) "Public agency" means the various agencies of the State of California and the federal government.

(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) Air navigational facilities.

(13) 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 non-

capital 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.

SEC. 8. Section 21683 of the Public Utilities Code is amended to read:

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 Aeronautics 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.

SEC. 9. Section 21687 of the Public Utilities Code is amended to read:

21687. Whenever any airport, for which payments have been made from the Aeronautics Fund or any predecessor 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 Aeronautics Fund, an amount computed by the State Controller. The amount shall equal the total of all payments made for such airport from the Aeronautics 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, or the unused balance, whichever is greater. 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.

SEC. 10. Section 21688 of the Public Utilities Code is amended to read:

21688. (a) Effective July 1, 1967, no payments shall be made from the Aeronautics 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. 11. Section 21688 of the Public Utilities Code is amended to read:

21688. (a) Effective July 1, 1967, no payments shall be made from the Aeronautics Fund for expenditure on any airport or for the acquisition or development of any airport if the department determines that the height restrictions around 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.

Height restrictions shall be considered adequate if as a minimum they meet the obstruction standards of subchapter C of Part 77 of the Federal Aviation Regulations of the Federal Aviation Administration, Department of Transportation as these standards apply to civil airport imaginary surfaces related to runways.

The airport-owning entity must have sufficient control over obstructions in the airspace in the vicinity of the airport to assure that height restrictions can be maintained. This control may be in the form of ownership of any land from which obstructions may rise, air navigation easements to guarantee maintenance of restrictions, or height limitation or land use zoning which will prohibit obstructions which would violate the obstruction standards.

(b) This section shall not prevent or prohibit the department from assisting any public agency or public entity in planning airport development or in planning the zoning needs around an airport.

SEC. 12. Section 8352 of the Revenue and Taxation Code is amended to read:

8352. The money in the Motor Vehicle Fuel Fund is hereby appropriated, subject to the provisions of any budget bill here-

tofore or hereafter enacted and Section 11006 of the Government Code, as follows:

(a) To pay the refunds authorized in this part, including refunds due on account of judgments for the return of license taxes illegally collected.

(b) To the Controller, to carry out any duties imposed upon him by this part.

(c) To the board, to carry out any duties imposed upon it by this part.

(d) To the Highway Users Tax Fund, as provided in this chapter.

(e) To pay the pro rata share of the overhead and general administrative expense of the Controller and the board attributable to duties imposed by this part. The pro rata share is payable upon presentation of a claim against any appropriation from the Motor Vehicle Fuel Fund for the support of the Controller or the board, as the case may be.

(f) For transfer to the Aeronautics Fund, which fund is hereby created, all moneys in the Motor Vehicle Fuel Fund attributable to the distribution of motor vehicle fuel for use or used in propelling an aircraft in the state, for allocation as follows:

(1) To pay the refunds authorized by Section 8101.5.

(2) To pay the pro rata cost of the Controller and board under subdivisions (b), (c) and (e).

(3) To pay for the support of the Department of Aeronautics.

(4) For payments and allocations authorized pursuant to Article 4 (commencing with Section 21680) of Chapter 4 of Part 1 of Division 9 of the Public Utilities Code.

No part of the moneys in the Motor Vehicle Fuel Fund attributable to the distribution of motor vehicle fuel for use or used for propelling an aircraft in the state shall be appropriated, subject to the provisions of any subdivision heretofore or hereafter enacted and Section 11006 of the Government Code, or allocated, except in accordance with the provisions of this subdivision.

(g) To the Harbors and Watercraft Revolving Fund for expenditure in accordance with the provisions of Division 1 (commencing with Section 30) of the Harbors and Navigation Code, the sum of four million dollars ($4,000,000) per annum, commencing with the 1965–1966 fiscal year, this sum representing the amount of money in the Motor Vehicle Fuel Fund attributable to taxes imposed on distributions of motor vehicle fuel used or usable in propelling vessels. Payments pursuant to this subdivision shall be made prior to payments pursuant to subdivision (d). The Department of Public Works, after consultation with the Department of Navigation and Ocean Development, shall prepare or cause to be prepared a report setting forth the current estimate of the amount of money in the Motor Vehicle Fuel Fund attributable to taxes imposed on distributions of motor vehicle fuel used or usable in pro-

pelling vessels; and the Department of Public Works shall submit such report to the Legislature on or before the fifth legislative day of the 1970 Regular Session and each four (4) years thereafter.

SEC. 13. It is the intent of the Legislature, if amendments to Section 21681 of the Public Utilities Code proposed by both this bill and Senate Bill No. 1098 are enacted, that both amendments be given effect and incorporated in Section 21681 in the form set forth in Section 7 of this act. Therefore, in the event Senate Bill No. 1098 is enacted and amends Section 21681, Section 7 of this act shall become operative at the same time that Section 21681 as amended by Senate Bill No. 1098 becomes operative, and at that time, Section 21681 of the Public Utilities Code as amended by Section 6 of this act is repealed.

SEC. 14. It is the intent of the Legislature, if amendments to Section 21688 of the Public Utilities Code proposed by both this bill and Senate Bill No. 1098 are enacted, that both amendments be given effect and incorporated in Section 21688 in the form set forth in Section 11 of this act. Therefore, in the event Senate Bill No. 1098 is enacted and amends Section 21688, Section 11 of this act shall become operative at the same time that Section 21688 as amended by Senate Bill No. 1098 becomes operative, and at that time, Section 21688 of the Public Utilities Code as amended by Section 10 of this act is repealed.

CHAPTER 1418

An act to add Section 50083 to the Government Code, relating to public employees.

[Approved by Governor September 18, 1970. Filed with Secretary of State September 18, 1970.]

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

SECTION 1. Section 50083 is added to the Government Code, to read:

50083. No local agency or district shall require that its employees be residents of such local agency or district.

CHAPTER 1419

An act to add Article 6 (commencing with Section 23185) to Chapter 1, Division 17 of the Education Code, relating to the University of California.

[Approved by Governor September 18, 1970. Filed with Secretary of State September 18, 1970.]

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

SECTION 1. Article 6 (commencing with Section 23185) is added to Chapter 1, Division 17 of the Education Code, to read:

Article 6. Employment of Women

23185. It is the intent of the Legislature that the Regents of the University of California shall eliminate all policies which detrimentally and unreasonably affect the employment status of females hired by the university. To accomplish this purpose, the regents shall:

(a) Review hiring, wages, job classifications and advancement practices as applied to female employees;

(b) Review selection procedures utilized for employment of female employees to determine disparate selection practices;

(c) Review opportunity of advancement for qualified female employees to executive positions within departments and divisions.

SEC. 2. The Regents of the University of California shall report back to the Legislature by the fifth calendar day of the 1971 Regular Session on the progress made toward implementing Article 6 (commencing with Section 23185) of Chapter 1 of Division 17 of the Education Code.

CHAPTER 1420

An act to add Chapter 4.5 (commencing with Section 521) to Division 2 of the Education Code, relating to the education of American Indian children.

[Approved by Governor September 18, 1970. Filed with Secretary of State September 18, 1970.]

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

SECTION 1. Chapter 4.5 (commencing with Section 521) is added to Division 2 of the Education Code, to read:

CHAPTER 4.5. AMERICAN INDIAN EDUCATION

Article 1. General Provisions

521. There is in the Department of Education a Bureau of Indian Education which shall study and identify the cultural and educational disadvantages affecting American Indian children in the present existing public school system.

522. The Indian Coordinator shall be in charge of the Bureau of Indian Education and his selection shall be subject to the approval of the American Indian Education Council.

523. The Indian Coordinator shall be responsive to the American Indian Education Council, as set forth in this

article, and shall meet and consult with the council at reasonable times and places providing that at least four meetings are held each year.

524. There is in the state government an American Indian Education Council consisting of 16 Indian members, who shall be appointed by the State Superintendent of Public Instruction in the following manner:

a. Two from names submitted by the American Indian Historical Society.

b. Two from names submitted by the Inter-Tribal Council of California.

c. Two from names submitted by the United American Indian Council (Los Angeles).

d. Two from names submitted by the Bay Area Native American Council.

e. Two from names submitted by the California Indian Education Association.

f. Two from names submitted by the Indian trustees of California Indian Legal Services.

g. Two from names submitted by the Native American Students Union.

h. Two at large from names submitted by a majority vote of the other 14 members with a preference to Indians not represented by the above-named groups.

i. If any of the foregoing organizations shall cease to exist, substitute members may be selected at large by a majority vote of the council. The nonexistence of any organization shall be established by the State Board of Education upon the recommendation of the Superintendent of Public Instruction.

525. Members of the council shall each be Indian and serve at the pleasure of the Superintendent of Public Instruction.

526. Any vacancy shall be filled by appointment by the Superintendent of Public Instruction.

527. At the first meeting following the regular two-year change in membership of the council, the council shall reorganize by electing one of its members president.

528. The council shall appoint an acting secretary, who shall also act as executive officer of the council.

529. Members of the council shall serve without compensation but shall receive their actual and necessary traveling expenses while on official business.

530. "Indian" as used in this chapter means any person who is descended in whole or in part from an Indian tribe native to the United States and is either a member of an Indian reservation or a person of at least one-fourth Indian ancestry.

Article 2. Powers and Duties

531. The American Indian Education Council shall recommend, on or before September 30th of each year, to the State Board of Education, programs, services, techniques, and activi-

ties to improve education for the American Indian children of this state.

The State Board of Education shall submit its recommendations of programs, services, techniques, activities, and necessary funding to improve education for the American Indian children of this state to the Legislature on or before the 30th calendar day of each regular session of the Legislature, commencing with the 1972 Regular Session.

CHAPTER 1421

An act to amend Sections 12000, 12005, 12020, 12081, 12086, 12087, 12101, 12102, 12105, 12106, 12107, 12108, 12111, 12112, 12121, 12122, 12123, 12124, 12303, and 12351 of, to add Sections 12007, 12102.1, 12105.1, and 12105.2 to, and to repeal Sections 12302, 12304, and 12306 of, the Health and Safety Code, to amend Section 12303 of, and to add Sections 12303.1, 12303.2, 12303.3, 12303.4, 12303.5, and 12312 to, the Penal Code, and to amend Section 31600 of the Vehicle Code, relating to explosives, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 18, 1970. Filed with Secretary of State September 18, 1970.]

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

SECTION 1. Section 12000 of the Health and Safety Code is amended to read:

12000. For the purposes of this part, the term "explosives" shall mean any substance, or combination of substances, the primary or common purpose of which is detonation or rapid combustion and which is capable of a relatively instantaneous or rapid release of gas and heat, or any substance, the primary purpose of which, when combined with any other substance, is to form a substance capable of a relatively instantaneous or rapid release of gas and heat. The term "explosives" shall include, but shall not necessarily be limited to, any of the following:

(a) Dynamite, nitroglycerine, picric acid, lead azide, fulminate of mercury, black powder, smokeless powder, propellant explosives, detonating primers, blasting caps, or commercial boosters.

(b) Substances determined to be class A and class B explosives as classified by the United States Department of Transportation.

(c) Nitro carbo nitrate substances (blasting agent) as classified by the United States Department of Transportation.

(d) Any material designated as an explosive by the State Fire Marshal. Such designation shall be made pursuant to the classification standards established by the United States Department of Transportation. The State Fire Marshal shall

adopt regulations in accordance with the provisions of Chapter 4.5 (commencing with Section 11371), Part 1, Division 3, Title 2 of the Government Code to establish procedures for the classification and designation of explosive materials or explosive devices that are not under the jurisdiction of the United States Department of Transportation.

(e) Certain class C explosives as designated by the United States Department of Transportation when listed in regulations adopted by the State Fire Marshal.

For the purposes of this part, the term "explosives" shall not include any destructive device, as defined in Section 12301 of the Penal Code, nor shall it include ammunition or small arms primers manufactured for use in shotguns, rifles, or pistols.

SEC. 2. Section 12005 of the Health and Safety Code is amended to read:

12005. This part does not apply to the transportation and use of explosives by representatives of the California Highway Patrol, the State Bureau of Criminal Identification and Investigation, local police departments, sheriffs' departments, and fire departments acting in their official capacity, nor shall this part apply to the transportation and use of explosives by any peace officer authorized to enforce the provisions of this part by Section 12020 when he is acting pursuant to such authority.

SEC. 3. Section 12007 is added to the Health and Safety Code, to read:

12007. For the purposes of this part, the term "issuing authority" shall mean the sheriff of a county or the chief or other head of a municipal police department of any city or city and county and their authorized representatives. In addition, the governing body of any county containing a population of 4,000,000 and over shall, and the governing body of any other county, city, or city and county may designate, as an issuing authority within its jurisdiction for purposes of this part, one chief of a fire department or fire protection agency and his authorized representatives, provided that such fire department or fire protection agency is organized with regularly paid, full-time personnel.

SEC. 4. Section 12020 of the Health and Safety Code is amended to read:

12020. The chief and the issuing authority, as defined in Sections 12003 and 12007, respectively, shall in their areas of jurisdiction enforce the provisions of this part and the regulations adopted by the State Fire Marshal pursuant to this part.

Any peace officer, as defined in Sections 830.1, 830.2, subdivisions (a), (b), (f), (j), (*l*), and (m) of Section 830.3, and paragraph (6) of subdivision (a) of Section 830.4 of the Penal Code may enforce the provisions of this part.

SEC. 5. Section 12081 of the Health and Safety Code is amended to read:

12081. The State Fire Marshal shall prepare and adopt, in accordance with the provisions of Chapter 4.5 (commencing with Section 11371), Part 1, Division 3, Title 2 of the Government Code, reasonable regulations which are not in conflict with this part, relating to the sale, use, handling, possession, and storage of explosives.

The regulations adopted by the State Fire Marshal shall:

(a) Make reasonable allowances for storage facilities in existence when the regulations become effective. No allowance, however, shall be made for storage facilities which constitute a distinct hazard to life and property, nor shall any allowance be made for storage facilities wherein proper safeguards for the control and security of explosives cannot be maintained.

(b) Be based on performance standards wherever possible.

(c) Make reasonable allowances for the storage of gunpowder for commercial and private use. No allowance, however, shall be made for storage facilities which constitute a distinct hazard to life and property, nor shall any allowance be made for storage facilities wherein proper safeguards for the control and security of explosives cannot be maintained.

In making the regulations the State Fire Marshal shall consider as evidence of generally accepted safety standards the publications of the National Fire Protection Association, the United Bureau of Mines, the United States Department of Defense, and the Institute of Makers of Explosives.

SEC. 6. Section 12086 of the Health and Safety Code is amended to read:

12086. Any theft or loss of explosives, whether from a storage magazine, a vehicle in which they are being transported, or from a site on which they are being used, or from any other location, shall immediately be reported by the person having control of such explosives to the local police or county sheriff. The local police or county sheriff shall immediately transmit a report of such theft or loss of explosives to the State Bureau of Criminal Identification and Investigation in Sacramento.

SEC. 7. Section 12087 of the Health and Safety Code is amended to read:

12087. No person shall abandon or otherwise dispose of any explosive in any manner which might, as the result of such abandonment or disposal, create any danger or threat of danger to life or property. Any person in possession or control of explosives required in the performance of his duties shall, when the need for such explosives no longer exists, either return the explosives to the source from which the explosives were obtained, or to an appropriate issuing authority for disposal or shall destroy the explosives in a safe manner so as not to make them available to persons who might obtain them and use them in a manner prejudicial to the safety of life and property. Magazines or temporary magazines used for storage purposes in any area where blasting is required shall, when the need for such storage no longer exists and the ex-

plosives have been removed or disposed of as above required, be removed or demolished, or signs, indicating the presence of explosives in such magazines or on the premises on which such magazines are located, shall be removed or effectively obliterated, and the issuing authority who issued the storage permit shall be immediately notified of the action taken.

SEC. 8. Section 12101 of the Health and Safety Code is amended to read:

12101. (a) No person shall do any one of the following without first having made application for and received a permit in accordance with the provisions of this section:

(1) Manufacture explosives.

(2) Sell, give, deliver, or otherwise dispose of explosives.

(3) Receive, store, or possess explosives.

(4) Transport explosives.

(5) Use explosives.

(6) Operate a terminal for handling explosives.

(7) Park or leave standing any vehicle carrying explosives, except when parked or left standing in or at a safe stopping place designated as such by the State Fire Marshal under the provisions of Division 14 (commencing with Sections 31600) of the Vehicle Code.

(b) Application for a permit shall be made to the appropriate issuing authority in accordance with the provisions of Section 12103. In any area wherein the governing body acting pursuant to Section 12007 designates a second issuing authority to serve within the area, the issuing authority to whom application for a permit is made shall notify the other issuing authority within the area of any application made before such permit shall be issued.

(c) A permit shall be obtained from the issuing authority having the responsibility in the area where the activity, as specified in subdivision (a) of this section, is to be conducted.

If the person holding a valid permit for the use or storage of explosives desires to purchase or receive explosives in a jurisdiction other than that of intended use or storage, he shall, before purchasing or receiving such explosives, present such permit to the issuing authority in the jurisdiction of purchase or receipt for endorsement. Such issuing authority may include any reasonable restrictions or conditions which he finds necessary for the prevention of fire and explosion, the preservation of life, safety, or the control and security of explosives within his jurisdiction. If, for any reason, such issuing authority refuses to endorse the permit previously issued in the area of intended use or storage, he shall immediately notify both the issuing authority who issued the permit and the State Bureau of Criminal Identification and Investigation in Sacramento of the fact of such refusal and the reasons for such refusal.

Every person who sells, gives away, delivers, or otherwise disposes of explosives to another person shall first satisfy himself that the person receiving the explosives has a permit

valid for that purpose. When the permit to receive explosives indicates that the intended storage or use of the explosives is other than in that area in which the permittee receives the explosives, the person who sells, gives away, delivers, or otherwise disposes of the explosives shall insure that the permit has been properly endorsed by a local issuing authority and, further, shall immediately send a copy of the record of sale to the issuing authority who originally issued the permit in the area of intended storage or use. The issuing authority in the area in which the explosives are received or sold shall not have the authority to issue a permit for the possession, use, or storage of explosives in an area not within his jurisdiction.

(d) In the event any person desires to receive explosives for use in an area outside of this state, a permit to receive such explosives shall be obtained from the State Fire Marshal.

(e) A permit may include any restrictions or conditions which the issuing authority finds necessary for the prevention of fire and explosion, the preservation of life, safety, or the control and security of explosives.

(f) A permit shall remain valid only until such time as the act or acts authorized by the permit are performed, but in no event shall the permit remain valid for a period longer than one year from the date of issuance of the permit. Any permit issued prior to the effective date of the amendments to this section enacted at the 1970 Regular Session of the Legislature shall be valid until the expiration date shown on the face of the permit, but in no event shall it remain valid for a period longer than one year from the date of issuance of such permit.

(g) Any valid permit which authorizes the performance of any act shall not constitute authorization for the performance of any act not stipulated in the permit.

SEC. 9. Section 12102 of the Health and Safety Code is amended to read:

12102. This chapter does not apply to any possession or use of 20 pounds or less of smokeless powder, or one pound or less of black sporting powder, provided that:

(a) Smokeless powder is intended only for hand-loading of small arms ammunition of .75 caliber or less.

(b) Black sporting powder is intended for loading of small arms or small arms ammunition of .75 caliber or less.

(c) All such powder is for private use and not for resale, and in the case of black sporting powder there shall be no gift, delivery, or other disposition to another person.

(d) The storage, use, and handling of such smokeless and black powder conforms to rules, regulations, or ordinances of authorities having jurisdiction for fire prevention and suppression in the area of such storage, use, and handling of such explosives.

SEC. 10. Section 12102.1 is added to the Health and Safety Code, to read:

12102.1. Any person who sells, gives, delivers or otherwise disposes of 20 pounds or less of smokeless powder, or one pound or less of black sporting powder, shall first obtain a statement from the person who purchases or otherwise receives such powder, which statement shall include:

(a) The name, address and birth date of the person purchasing or receiving the powder.

(b) The purpose for which the powder is intended to be used, handled, stored, or possessed.

(c) The type and amount of the powder.

(d) The signature of the person purchasing or receiving the powder.

(e) The driver's license number, selective service card number, or other identifying information concerning the person purchasing or receiving the powder.

Any person furnishing a fictitious name or address or knowingly furnishing an incorrect birth date and any person violating any of the provisions of this section is guilty of a misdemeanor.

SEC. 11. Section 12105 of the Health and Safety Code is amended to read:

12105. If the issuing authority finds, after reviewing the application for a permit, that the applicant possesses sufficient and adequate facilities to conduct the acts specified in the application, and that the issuance of such permit would not appear to be contrary to the public welfare and safety, he shall issue a permit authorizing the applicant to engage in such specific acts. Before issuing a permit for the storage of explosives, the issuing authority shall first inspect and approve the storage facility. No application for such a permit shall be approved by the issuing authority unless the storage facility is in strict compliance with the regulations adopted by the State Fire Marshal pursuant to Section 12081. In addition, the issuing authority may, at his discretion, require the submission of any personal information relevant to the acts for which application is made.

A permit shall not be issued until after the payment of a fee of ten dollars ($10), unless the quantity of explosives is 100 pounds or less, in which case the fee shall be two dollars ($2). The permit fee shall be equally divided and deposited into the treasury of the city, county, or city and county having jurisdiction over the issuing authority and into the State Treasury.

SEC. 12. Section 12105.1 is added to the Health and Safety Code, to read:

12105.1. Except in a case in which the issuing authority determines that the explosives are necessary because of an emergency involving a danger to persons or property, no permit shall be issued until one week has elapsed after application is made. If no affirmative action is taken on the application within 14 days after application is made, the issuing authority shall explain the cause for such delay to the applicant.

SEC. 13. Section 12105.2 is added to the Health and Safety Code, to read:

12105.2. A copy of each permit issued shall be forwarded to the State Bureau of Criminal Identification and Investigation in Sacramento.

SEC. 14. Section 12106 of the Health and Safety Code is amended to read:

12106. When required by and in amounts set forth in local ordinance, the applicant for a permit for explosives shall submit evidence that the applicant has a minimum and specified amount of funds available for the purpose of the payment of all damages to persons or property which arise from, or are caused by, the conduct of any act authorized by the permit and from which any legal judgment results.

Such evidence, when required, shall be a bond issued by an authorized surety company or a public liability insurance policy or cash or other evidence of financial security acceptable to the State Fire Marshal. The minimum amount of any such bond or insurance policy shall be determined by the appropriate issuing authority.

The provisions of this section do not apply to any public entity, as defined in Section 811.2 of the Government Code.

SEC. 15. Section 12107 of the Health and Safety Code is amended to read:

12107. The issuing authority shall in the exercise of reasonable discretion, deny a permit to any person if it is his opinion that the handling or use of explosives by such person would be hazardous to property or dangerous to any person.

SEC. 16. Section 12108 of the Health and Safety Code is amended to read:

12108. The form of the permits shall be prescribed by the State Fire Marshal. Permits shall be numbered by the local agency issuing the permit. The permit shall include on its face the date of expiration of the permit. It shall also include a statement to the effect that any unused portion of explosives authorized by the permit shall either be returned to the source from which the explosives were obtained, destroyed or returned to an appropriate issuing authority in accordance with Section 12087 or, in lieu thereof, application for a new permit shall be made.

SEC. 17. Section 12111 of the Health and Safety Code is amended to read:

12111. A permit may be suspended or revoked, after reasonable notice and hearing, by any chief or issuing authority in the area in which explosives are sold, used, stored, handled, or possessed, if the person to whom the permit was issued sells, uses, stores, or handles the explosives in a manner which is unlawful or which creates an unreasonable hazard to life and property.

The chief or issuing authority taking action to suspend or revoke a permit shall immediately notify the agency who issued the permit of the action taken and shall also immediately

notify the State Bureau of Criminal Identification and Investigation in Sacramento.

SEC 17.5. Section 12112 of the Health and Safety Code is amended to read:

12112. Any decision or action by any chief or issuing authority made pursuant to this part may be appealed to the governing body of the area in which such decision or action is made.

SEC. 18. Section 12121 of the Health and Safety Code is amended to read:

12121. Every person who possesses, stores, uses, sells, gives away, delivers, or otherwise disposes of explosives shall keep an accurate journal, record book, or a record of sale in which he shall note each possession, storage, use, sale, delivery, gift, or other disposition of an explosive and the time when such disposition is made, whether in the course of business or otherwise. Such journal, record book, or the record of sale shall be kept on file for a period of not less than three years. Field records required to be kept pursuant to Section 12123 need be kept in the appropriate county only for the period of the possession, storage, use, sale, gift, delivery, or other disposition of explosives within that county, after which time the field records may be destroyed.

SEC. 19. Section 12122 of the Health and Safety Code is amended to read:

12122. Each notation in the journal, record book, or other record of sale, as required by Section 12121, shall legibly show:

(a) The date of each purchase or receipt, storage, use, sale, delivery, gift, or other disposition of explosives.

(b) The name and quantity of the explosives possessed, stored, used, sold, delivered, given away, or otherwise disposed of.

(c) The name, address, and business of the purchaser or transferee, where applicable.

(d) When the explosives are to be transported under Division 14 (commencing with Section 31600) of the Vehicle Code, the permit number issued by the California Highway Patrol; or when transported other than under Division 14 (commencing with Section 31600) of the Vehicle Code, the vehicle operator's license number or other comparable identification, the motor vehicle license number of the vehicle used, and the name and address of the individual to whom the explosives are to be delivered.

(e) The number of the permit to receive explosives.

(f) The name of the public agency which issued the permit and the name of the officer issuing such permit.

SEC. 20. Section 12123 of the Health and Safety Code is amended to read:

12123. The journal, record book, or record of sale shall be kept by the person required to keep it in his principal office or place of business It shall be at all times, on proper demand,

subject to the inspection and examination of any chief or other duly authorized law enforcement official. In addition, if the principal office or place of business is located in a place other than the county within which the explosives are possessed, stored, used, sold, given away, delivered, or otherwise disposed of, field records shall be kept in that county during the period of such possession, storage, use, sale, gift, delivery, or other disposition.

SEC. 21. Section 12124 of the Health and Safety Code is amended to read:

12124. The keeping of a journal, record book, or record of sale required by Sections 12121, 12122, and 12123 does not apply to those persons who are rendering a delivery service under a permit issued by the California Highway Patrol pursuant to Division 14 (commencing with Section 31600) of the Vehicle Code, nor does it apply to any possessor or user of explosives not required to have a permit under Section 12102. A journal, record book, or record of sale need not be kept by anyone who is in lawful possession of an explosive and who receives and detonates all such explosives within a 24-hour period.

SEC. 22. Section 12302 of the Health and Safety Code is repealed.

SEC. 23. Section 12303 of the Health and Safety Code is amended to read:

12303. "Lawful possession of an explosive," as used in this chapter, means possessing explosives in accordance with the stated purpose and conditions of a valid permit obtained pursuant to the provisions of this part, unless such person is specifically excepted from the permit requirements by the provisions of this part.

SEC. 24. Section 12304 of the Health and Safety Code is repealed.

SEC. 25. Section 12306 of the Health and Safety Code is repealed.

SEC. 26. Section 12351 of the Health and Safety Code is amended to read:

12351. Any explosives which are illegally manufactured, sold, given away, delivered, stored, used, possessed, or transported shall be subject to immediate seizure by any chief, issuing authority, or peace officer authorized to act under Section 12020. When a permit issued pursuant to this part has expired and is not immediately renewed, any explosives in the possession of the permittee shall be subject to immediate seizure by any chief, issuing authority, or peace officer authorized to act under Section 12020 unless first destroyed by the permittee in accordance with Section 12087.

SEC. 27. Section 12303 of the Penal Code is amended to read:

12303. Any person, firm or corporation who, within this state sells, offers for sale, possesses or knowingly transports any destructive device, other than fixed ammunition of a cali-

ber greater than .60 caliber, except as provided by this chapter, is guilty of a public offense and upon conviction thereof shall be punished by imprisonment in the county jail for a term not to exceed one year, or in state prison for a term not to exceed five years, or by a fine not to exceed five thousand dollars ($5,000), or by both such fine and imprisonment.

SEC. 28. Section 12303.1 is added to the Penal Code, to read:

12303.1. Every person who willfully does any of the following is guilty of a felony:

(a) Carries any explosive or destructive device on any vessel, aircraft, car, or other vehicle that transports passengers for hire.

(b) Places or carries any explosive or destructive device, while on board any such vessel, aircraft, car or other vehicle, in any hand baggage, roll, or other container.

(c) Places any explosive or destructive device in any baggage which is later checked with any common carrier.

SEC. 29. Section 12303.2 is added to the Penal Code, to read:

12303.2. Every person who recklessly or maliciously has in his possession an explosive or destructive device in any of the following places is guilty of a felony:

(a) On a public street, road, or highway.

(b) In or near any private habitation, public building, or other public place ordinarily passed by human beings.

(c) In, on, or near any vessel, aircraft, train, car, or other vehicle that transports passengers for hire.

SEC. 30. Section 12303.3 is added to the Penal Code, to read:

12303.3. Every person who possesses, explodes, ignites, or attempts to explode or ignite any explosive or destructive device with intent to injure, intimidate, or terrify any person, or with intent to wrongfully injure or destroy any property of another, is guilty of a felony.

SEC. 31. Section 12303.4 is added to the Penal Code, to read:

12303.4. The term "explosive," as used in Sections 12303.1, 12303.2, and 12303 3, means any explosive as defined in Section 12000 of the Health and Safety Code.

SEC. 32. Section 12303.5 is added to the Penal Code, to read:

12303.5. Every person who is found guilty of a felony in violation of Section 12303.1, 12303.2, or 12303.3 is punishable by imprisonment in the state prison not exceeding 15 years.

SEC. 32.5. Section 12303.5 is added to the Penal Code, to read:

12303.5. Every person who is found guilty of a felony in violation of Section 12303.1 is punishable by imprisonment in the state prison not exceeding 15 years.

SEC. 32.6. Section 12312 is added to the Penal Code, to read:

12312. Every person who possesses any substance, material, or any combination of substances or materials, with the intent to make any destructive device or any explosive without first obtaining a valid permit to make such destructive device or explosive, is guilty of a felony, and is punishable by imprisonment in the state prison not exceeding 15 years.

SEC. 33. Section 31600 of the Vehicle Code is amended to read:

31600. For the purposes of this division, the term "explosive" or "explosives" shall mean any substance, or combination of substances, the primary or common purpose of which is detonation or rapid combustion and which is capable of a relatively instantaneous or rapid release of gas and heat. The term "explosive" or "explosives" shall include, but shall not necessarily be limited to, any of the following:

(a) Dynamite, nitroglycerine, picric acid, lead azide, fulminate of mercury, black powder, smokeless powder, propellant explosives, detonating primers, blasting caps, or commercial boosters.

(b) Substances determined to be class A or class B explosives as classified by the United States Department of Transportation.

(c) Nitro carbo nitrates (blasting agents) substances, as classified by the United States Department of Transportation.

(d) Any substance meeting the provisions of this section when designated as class A or class B in regulations adopted by the State Fire Marshal in accordance with the provisions of Chapter 4.5 (commencing with Section 11371), Part 1, Division 3, Title 2, of the Government Code. Such designations shall be made pursuant to classification standards established by the United States Department of Transportation.

(e) The term "explosives" as used in this division shall not be deemed to include small arms ammunition of .75 caliber or less, nor any other class C explosives as classified by the United States Department of Transportation.

(f) This division shall not apply to special fireworks classified by the United States Department of Transportation as class B explosives when such special fireworks are regulated by and in conformance with Part 2 (commencing with Section 12500) of Division 11 of the Health and Safety Code.

SEC. 34. The Legislature finds and declares that though there is a legitimate need for the manufacture, sale, transport, storage, possession and use of explosives, the present statutory scheme has proven itself ineffective in controlling the theft and unlawful use of explosives of all kinds. Though conscious of the necessity of preserving legitimate access to explosives, this need must be balanced against the present widespread illicit use which forms a serious and present danger to society. The Legislature therefore declares its intention that the provisions of this act be construed with the purpose of limiting the lawful manufacture, sale, transport, storage, possession and use of explosives to only those situations where the lawful purpose

of such manufacture, sale, transport, storage, possession, and use is clearly apparent.

SEC. 35. It is the intent of the Legislature, if amendments to Section 12303 of the Penal Code proposed by Assembly Bill No. 970 are enacted, that such amendments prevail over the amendments proposed by this act to Section 12303. Therefore, in the event Assembly Bill No. 970 is enacted and amends Section 12303 of the Penal Code, Section 12303 as amended by Section 27 of this act is repealed at the time that Section 12303 as amended by Assembly Bill No. 970 becomes operative.

SEC. 36. If prior to the effective date of this act Assembly Bill No. 1003 has been enacted and become effective, and such act amends Section 12301 of the Penal Code to include a definition of the term "explosive," Section 31 of this act shall not become operative.

SEC. 37. If prior to the effective date of this act Assembly Bill No. 1003 has been enacted and become effective, and such act adds a Section 12303.2 to the Penal Code, Section 29 of this act shall not become operative.

SEC. 38. If prior to the effective date of this act Assembly Bill No. 1003 has been enacted and become effective, and such act adds a Section 12303.3 to the Penal Code, Section 30 of this act shall not become operative.

SEC. 39. Section 32.5 of this act shall only become operative if, prior to the effective date of this act, Assembly Bill No. 1003 has been enacted and become effective and such act adds a Section 12303.2 and 12303.3 to the Penal Code. In such case, Section 32 of this act shall not become operative.

SEC. 40. 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:

Bombings of public and private buildings have recently taken place at an increased rate, and in order to provide greater security and control over explosives which might wrongfully become available to persons intent on using such explosives for illegal purposes and to deter such illegal bombings, it is necessary that this act go into effect immediately.

CHAPTER 1422

An act to amend Sections 11391, 11393, 11394, and 11395 of, and to add Sections 11655.7, 11655.8, and 11655.9 to, the Health and Safety Code, and to add Sections 5617 and 5618 to the Welfare and Institutions Code, relating to health and safety, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 18, 1970. Filed with Secretary of State September 18, 1970.]

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

SECTION 1. Section 11391 of the Health and Safety Code is amended to read:

11391. No person shall treat an addict for addiction except in one of the following:

(a) An institution approved by the Board of Medical Examiners, and where the patient is at all times kept under restraint and control.

(b) A city or county jail.

(c) A state prison.

(d) A county-operated mental health center.

(e) A state hospital.

(f) A county hospital.

Methadone in the continuing treatment of narcotic addiction shall be used only in those programs approved by the Research Advisory Panel pursuant to Section 11655.7 on either an inpatient or outpatient basis, or both.

This section does not apply during emergency treatment, or where the patient's addiction is complicated by the presence of incurable disease, serious accident, or injury, or the infirmities of old age.

Neither this section nor any other provision of this division shall be construed to prohibit the maintenance of a place in which persons seeking to recover from narcotic addiction reside and endeavor to aid one another and receive aid from others in recovering from such addiction, nor does this section or such division prohibit such aid, provided that no person is treated for addiction in such place by means of administering, furnishing, or prescribing of narcotics. The preceding sentence is declaratory of preexisting law. Every such place shall register with and be approved by the Board of Medical Examiners. The board may inspect such places at reasonable times and, if it concludes that the conditions necessary for approval no longer exist, it may withdraw approval. Every person admitted to such a place shall register with the police department of the city in which it is located or, if it is outside of the city limits, with the sheriff's office. The place shall maintain its own register of all residents. It shall require all its residents to register with said police department or sheriff's office and, upon termination of the residence of any person in said place, it shall report the name of the person terminating residence to said police department or sheriff's office.

SEC. 2. Section 11393 of the Health and Safety Code is amended to read:

11393. After 15 days of treatment the physician shall not prescribe for or furnish to the addict more than any one of the following amounts of narcotics during each day of such treatment.

(a) Four grains of opium.

(b) Two grains of morphine.

(c) Three grains of Pantopon.
(d) One-half grain of Dilaudid.
(e) Two hundred milligrams of isonipecaine (Demorel).
(f) One hundred eighty milligrams of methadone.

SEC. 2.5. Section 11394 of the Health and Safety Code is amended to read:

11394. At the end of 30 days from the first treatment, the prescribing or furnishing of narcotics, except methadone, shall be discontinued.

SEC. 3. Section 11395 of the Health and Safety Code is amended to read:

11395. The physician prescribing, furnishing, or administering any narcotic or methadone in the treatment of an addict for addiction shall within five days after the first treatment report by registered mail, over his signature, to the state division stating the name and address of the patient, and the name and quantities of narcotics prescribed.

The report shall state the progress of the patient under the treatment.

The physician shall in the same manner further report on the 15th day of the treatment and on the 30th day of the treatment, and thereafter shall make such further reports as are requested in writing by the state division.

SEC. 4. Section 11655.7 is added to the Health and Safety Code, to read:

11655.7. In addition to the duties authorized by other provisions, the panel shall be responsible for approving methadone maintenance programs established by the county mental health program pursuant to Division 5 (commencing with Section 5000) of the Welfare and Institutions Code.

No such programs shall be established without the prior approval of the panel. The panel may approve such programs on an inpatient or outpatient basis, or both.

SEC. 4.5. Section 11655.8 is added to the Health and Safety Code, to read:

11655.8. The Research Advisory Panel and the Department of Mental Hygiene shall, jointly, submit an annual report to the Legislature on the status and progress of methadone maintenance programs in this state. The report shall be submitted on or before March 1 succeeding the calendar year for which the report is made, commencing with the report for the 1971 calendar year which shall be submitted on or before March 1, 1972.

SEC. 5. Section 11655.9 is added to the Health and Safety Code, to read:

11655.9. The panel shall not approve the establishment of a methadone maintenance program without a written application by the treatment facility which meets evaluative criteria required by the panel.

SEC. 6. Section 5617 is added to the Welfare and Institutions Code, to read:

5617. A county mental health service may include a program for the continuing treatment of narcotic addiction by methadone.

Such a program may be established only if the Research Advisory Panel approves thereof pursuant to Section 11655.7 of the Health and Safety Code.

The establishment of such a program is also subject to the approval of the Department of Mental Hygiene as a part of the county Short-Doyle plan.

SEC. 7. Section 5618 is added to the Welfare and Institutions Code, to read:

5618. The Department of Mental Hygiene shall study and evaluate, on an ongoing basis, all methadone maintenance programs established pursuant to Section 5617, and provide any appropriate assistance and advice to such programs.

The department shall also establish guidelines for the arrangements between local mental health facilities and county probation departments enabling methadone maintenance to serve as an alternative to commitment to the California Rehabilitation Center at Corona.

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:

Drug abuse in this state is increasing at an alarming rate. In some areas it has reached epidemic proportions in spite of the fact that sharply increasing amounts of state funds are being expended. The situation is serious, and it is imperative that the remedial steps provided in this measure take effect immediately.

CHAPTER 1423

An act to add Section 830.9 to the Penal Code, and to add Section 28767.5 to the Public Utilities Code, relating to peace officers.

[Approved by Governor September 18, 1970. Filed with Secretary of State September 18, 1970.]

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

SECTION 1. Section 830.9 is added to the Penal Code, to read:

830.9. (a) Persons designated as security officers by a rapid transit district pursuant to Section 28767.5 of the Public Utilities Code are peace officers while engaged in the performance of their duties as security officers.

(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. Section 28767.5 is added to the Public Utilities Code, to read:

28767.5. The district may employ a suitable security force. The employees of the district that are designated by the general manager as security officers shall have the authority and powers conferred by Section 830.9 of the Penal Code upon peace officers. The district shall adhere to the standards for recruitment and training of peace officers established by the Commission on Peace Officer Standards and Training pursuant to Title 4 (commencing with Section 13500) of Part 4 of the Penal Code.

CHAPTER 1424

An act to amend Section 13601 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 18, 1970. Filed with Secretary of State September 18, 1970.]

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

SECTION 1. Section 13601 of the Welfare and Institutions Code is amended 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.

Notwithstanding any other provision of this chapter, a recipient residing with his parents shall, if the parents have an annual net income of less than fifteen thousand dollars ($15,000), receive a housing needs allowance to be determined by the director in accordance with the ability of the parents to provide for such housing needs. The director may adopt and, if the availability of funds so requires, may modify regulations establishing a graduated schedule of housing allowances based on relative net parental income, which shall be the basis for administering this section.

SEC. 2. There is hereby appropriated to the Department of Social Welfare for the purposes of this act the sum of one million eight hundred thousand dollars ($1,800,000) for the

1970 fiscal year. The Director of the Department of Social Welfare shall adopt, and, if necessary, shall modify regulations as provided in Section 13601 of the Welfare and Institutions Code in such a manner as to limit expenditures due to the provisions of Section 13601 of the Welfare and Institutions Code to the appropriation provided in this section.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Technical deficiencies have prevented effective implementation of services provided by Chapter 1416 of the Statutes of 1969 (SB 847).

CHAPTER 1425

An act to amend Sections 12000, 12005, 12020, 12081, 12086, 12087, 12101, 12102, 12105, 12106, 12107, 12108, 12111, 12112, 12121, 12122, 12123, 12124, 12303, and 12351 of, to add Sections 12007, 12102.1, 12105.1, and 12105.2 to, and to repeal Sections 12302, 12304, and 12306 of, the Health and Safety Code, to amend Section 12303 of, and to add Sections 12303.1, 12303.2, 12303.3, 12303.4, 12303.5, and 12312 to, the Penal Code, and to amend Section 31600 of the Vehicle Code, relating to explosives, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 18, 1970. Filed with Secretary of State September 18, 1970.]

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

SECTION 1. Section 12000 of the Health and Safety Code is amended to read:

12000. For the purposes of this part, the term "explosives" shall mean any substance, or combination of substances, the primary or common purpose of which is detonation or rapid combustion and which is capable of a relatively instantaneous or rapid release of gas and heat, or any substance, the primary purpose of which, when combined with others, is to form a substance capable of a relatively instantaneous or rapid release of gas and heat. The term "explosives" shall include, but shall not necessarily be limited to, any of the following:

(a) Dynamite, nitroglycerine, picric acid, lead azide, fulminate of mercury, black powder, smokeless powder, propellant explosives, detonating primers, blasting caps, or commercial boosters.

(b) Substances determined to be class A and class B explosives as classified by the United States Department of Transportation.

(c) Nitro carbo nitrate substances (blasting agent) as classified by the United States Department of Transportation.

(d) Any material designated as an explosive by the State Fire Marshal. Such designation shall be made pursuant to the classification standards established by the United States Department of Transportation. The State Fire Marshal shall adopt regulations in accordance with the provisions of Chapter 4.5 (commencing with Section 11371), Part 1, Division 3, Title 2 of the Government Code to establish procedures for the classification and designation of explosive materials or explosive devices that are not under the jurisdiction of the United States Department of Transportation.

(e) Certain class C explosives as designated by the United States Department of Transportation when listed in regulations adopted by the State Fire Marshal.

For the purposes of this part, the term "explosives" shall not include any destructive device, as defined in Section 12301 of the Penal Code, nor shall it include ammunition or small arms primers manufactured for use in shotguns, rifles, and pistols.

SEC. 2. Section 12005 of the Health and Safety Code is amended to read:

12005. This part does not apply to the transportation and use of explosives by representatives of the California Highway Patrol, the State Bureau of Criminal Identification and Investigation, local police departments, sheriff's departments, and fire departments acting in their official capacity, nor shall this part apply to the transportation and use of explosives by any peace officer authorized to enforce the provisions of this part by Section 12020 when he is acting pursuant to such authority.

SEC. 3. Section 12007 is added to the Health and Safety Code, to read:

12007. For the purposes of this part, the term "issuing authority" shall mean the sheriff of a county or the chief or other head of a municipal police department of any city or city and county and their authorized representatives. In addition, the governing body of any county containing a population of 4,000,000 and over shall, and the governing body of any other county, city, or city and county may designate, as an issuing authority within its jurisdiction for purposes of this part, one chief of a fire department or fire protection agency and his authorized representatives, provided that such fire department or fire protection agency is organized with regularly paid, full-time personnel.

SEC. 4. Section 12020 of the Health and Safety Code is amended to read:

12020. The chief and the issuing authority, as defined in Sections 12003 and 12007, respectively, shall in their areas of jurisdiction enforce the provisions of this part and the regulations adopted by the State Fire Marshal pursuant to this part.

Any peace officer, as defined in Sections 830.1, 830.2, subdivisions (a), (b), (f), (j), (*l*), and (m) of Section 830.3, and paragraph (6) of subdivision (a) of Section 830.4 of the Penal Code, may enforce the provisions of this part.

SEC. 5. Section 12081 of the Health and Safety Code is amended to read:

12081. The State Fire Marshal shall prepare and adopt, in accordance with the provisions of Chapter 4.5 (commencing at Section 11371), Part 1, Division 3, Title 2 of the Government Code, reasonable regulations which are not in conflict with this part, relating to the sale, use, handling, possession, and storage of explosives.

The regulations adopted by the State Fire Marshal shall:

(a) Make reasonable allowances for storage facilities in existence when the regulations become effective. No allowance, however, shall be made for storage facilities which constitute a distinct hazard to life and property, nor shall any allowance be made for storage facilities wherein proper safeguards for the control and security of explosives cannot be maintained.

(b) Be based on performance standards wherever possible.

(c) Make reasonable allowances for the storage of gunpowder for commercial and private use. No allowance, however, shall be made for storage facilities which constitute a distinct hazard to life and property, nor shall any allowance be made for storage facilities wherein proper safeguards for the control and security of explosives cannot be maintained.

In making the regulations the State Fire Marshal shall consider as evidence of generally accepted safety standards the publications of the National Fire Protection Association, the United Bureau of Mines, the United States Department of Defense, and the Institute of Makers of Explosives.

SEC. 6. Section 12086 of the Health and Safety Code is amended to read:

12086. Any theft or loss of explosives, whether from a storage magazine, a vehicle in which they are being transported, or from a site on which they are being used, or from any other location, shall immediately be reported by the person having control of such explosives to the local police or county sheriff. The local police or county sheriff shall immediately transmit a report of such theft or loss of explosives to the State Bureau of Criminal Identification and Investigation at Sacramento.

SEC. 7. Section 12087 of the Health and Safety Code is amended to read:

12087. No person shall abandon or otherwise dispose of any explosives in any manner which might, as the result of such abandonment or disposal, create any danger or threat of danger to life or property. Any person in possession or control of explosives required in the performance of his duties shall, when the need for such explosives no longer exists, either return the explosives to the source from which the explosives were obtained, or to an appropriate issuing authority for disposal or shall destroy the explosives in a safe manner so as not to make them available to persons who might obtain them and use them in a manner prejudicial to the safety of life and

property. Magazines or temporary magazines used for storage purposes in any area where blasting is required shall, when the need for such storage no longer exists and the explosives have been removed or disposed of as above required, be removed or demolished, or signs, indicating the presence of explosives in such magazines or on the premises on which such magazines are located, shall be removed or effectively obliterated, and the issuing authority who issued the storage permit shall be immediately notified of the action taken.

SEC. 8. Section 12101 of the Health and Safety Code is amended to read:

12101. (a) No person shall do any one of the following without first having made application for and received a permit in accordance with the provisions of this section:

(1) Manufacture explosives.

(2) Sell, give, deliver, or otherwise dispose of explosives.

(3) Receive, store, or possess explosives.

(4) Transport explosives.

(5) Use explosives.

(6) Operate a terminal for handling explosives.

(7) Park or leave standing any vehicle carrying explosives, except when parked or left standing in or at a safe stopping place designated as such by the State Fire Marshal under the provisions of Division 14 (commencing with Section 31600) of the Vehicle Code.

(b) Application for a permit shall be made to the appropriate issuing authority in accordance with the provisions of Section 12103. In any area wherein the governing body acting pursuant to Section 12007 designates a second issuing authority to serve within the area, the issuing authority to whom application for a permit is made shall notify the other issuing authority within the area of any application made before such permit shall be issued.

(c) A permit shall be obtained from the issuing authority having the responsibility in the area where the activity, as specified in subdivision (a) of this section, is to be conducted.

If the person holding a valid permit for the use or storage of explosives desires to purchase or receive explosives in a jurisdiction other than that of intended use or storage, such person shall first present such permit to the issuing authority in the jurisdiction of purchase or receipt for endorsement. Such issuing authority may include any reasonable restrictions or conditions which he finds necessary for the prevention of fire and explosion, the preservation of life, safety, or the control and security of explosives within his jurisdiction If, for any reason, such issuing authority refuses to endorse the permit previously issued in the area of intended use or storage, such authority shall immediately notify both the issuing authority who issued the permit and the State Bureau of Criminal Identification and Investigation in Sacramento of the fact of such refusal and the reasons for such refusal.

Every person who sells, gives away, delivers, or otherwise disposes of explosives to another person shall first satisfy himself that the person receiving the explosives has a permit valid for that purpose. When the permit to receive explosives indicates that the intended storage or use of the explosives is other than in that area in which the permittee receives the explosives, the person who sells, gives away, delivers, or otherwise disposes of the explosives shall insure that the permit has been properly endorsed by a local issuing authority and, further, shall immediately send a copy of the record of sale to the issuing authority who originally issued the permit in the area of intended storage or use. The issuing authority in the area in which the explosives are received or sold shall not have the authority to issue a permit for the possession, use, or storage of explosives in an area not within his jurisdiction.

(d) In the event any person desires to receive explosives for use in an area outside of this state, a permit to receive such explosives shall be obtained from the State Fire Marshal.

(e) A permit may include any restrictions or conditions which the issuing authority finds necessary for the prevention of fire and explosion, the preservation of life, safety, or the control and security of explosives.

(f) A permit shall remain valid only until such time as the act or acts authorized by the permit are performed, but in no event shall the permit remain valid for a period longer than one year from the date of issuance of the permit. Any permit issued prior to the effective date of the amendments to this section enacted at the 1970 Regular Session of the Legislature shall be valid until the expiration date shown on the face of the permit, but in no event shall it remain valid for a period longer than one year from the date of issuance of such permit.

(g) Any valid permit which authorizes the performance of any act shall not constitute authorization for the performance of any act not stipulated in the permit.

SEC. 9. Section 12102 of the Health and Safety Code is amended to read:

12102. This chapter does not apply to any possession or use of 20 pounds or less of smokeless powder, or one pound or less of black sporting powder, provided that:

(a) Smokeless powder is intended only for hand loading of small arms ammunition of .75 caliber or less.

(b) Black sporting powder is intended for loading of small arms or small arms ammunition of .75 caliber or less.

(c) All such powder is for private use and not for resale, and, in the case of black sporting powder, there shall be no gift, delivery, or other disposition to another person.

(d) The storage, use and handling of such smokeless and black powder conforms to rules, regulations, or ordinances of authorities having jurisdiction for fire prevention and suppression in the area of such storage, use, and handling of such explosives.

SEC. 10. Section 12102.1 is added to the Health and Safety Code, to read:

12102.1. Any person who sells, gives, delivers or otherwise disposes of 20 pounds or less of smokeless powder, or one pound or less of black sporting powder, shall first obtain a statement from the person who purchases or otherwise receives such powder, which statement shall include:

(a) The name, address and birth date of the person purchasing or receiving the powder.

(b) The purpose for which the powder is intended to be used, handled, stored, or possessed.

(c) The type and amount of the powder.

(d) The signature of the person purchasing or receiving the powder.

(e) The driver's license number, selective service card number, or other identifying information concerning the person purchasing or receiving the powder.

Any person furnishing a fictitious name or address or knowingly furnishing an incorrect birth date and any person violating any of the provisions of this section is guilty of a misdemeanor.

SEC. 11. Section 12105 of the Health and Safety Code is amended to read:

12105. If the issuing authority finds, after reviewing the application for a permit, that the applicant possesses sufficient and adequate facilities to conduct the acts specified in the application, and that the issuance of such permit would not appear to be contrary to the public welfare and safety, he shall issue a permit authorizing the applicant to engage in such specific acts. Before issuing a permit for the storage of explosives, the issuing authority shall first inspect and approve the storage facility. No application for such a permit shall be approved by the issuing authority unless the storage facility is in strict compliance with the regulations adopted by the State Fire Marshal pursuant to Section 12081. In addition, the issuing authority may, at his discretion, require the submission of any personal information relevant to the acts for which application is made.

A permit shall not be issued until after the payment of a fee of ten dollars ($10), unless the quantity of explosives is 100 pounds or less, in which case the fee shall be two dollars ($2). The permit fee shall be equally divided and deposited into the treasury of the city, county, or city and county having jurisdiction over the issuing authority and into the State Treasury.

SEC. 12. Section 12105.1 is added to the Health and Safety Code, to read:

12105.1. Except in a case in which the issuing authority determines that the explosives are necessary because of an emergency involving a danger to persons or property, no permit shall be issued until one week has elapsed after application is made. If no affirmative action is taken on the applica-

tion within 14 days after application is made, the issuing authority shall explain the cause for such delay to the applicant.

SEC. 13. Section 12105.2 is added to the Health and Safety Code, to read:

12105.2. A copy of each permit issued shall be forwarded to the State Bureau of Criminal Identification and Investigation in Sacramento.

SEC. 14. Section 12106 of the Health and Safety Code is amended to read:

12106. When required by and in amounts set forth in local ordinance, the applicant for a permit for explosives shall submit evidence that the applicant has a minimum and specified amount of funds available for the purpose of the payment of all damages to persons or property which arise from, or are caused by, the conduct of any act authorized by the permit and from which any legal judgment results.

Such evidence, when required, shall be a bond issued by an authorized surety company or a public liability insurance policy or cash or other evidence of financial security acceptable to the State Fire Marshal. The minimum amount of any such bond or insurance policy shall be determined by the appropriate issuing authority.

The provisions of this section do not apply to any public entity, as defined in Section 811.2 of the Government Code.

SEC. 15. Section 12107 of the Health and Safety Code is amended to read:

12107. The issuing authority shall, in the exercise of reasonable discretion, deny a permit to any person if it is his opinion that the handling or use of explosives by such person would be hazardous to property or dangerous to any person.

SEC. 16. Section 12108 of the Health and Safety Code is amended to read:

12108. The form of the permits shall be prescribed by the State Fire Marshal. Permits shall be numbered by the local agency issuing the permit. The permit shall include on its face the date of expiration of the permit. It shall also include a statement to the effect that any unused portion of explosives authorized by the permit shall either be returned to the source from which the explosives were obtained, destroyed, or returned to an appropriate issuing authority in accordance with Section 12087 or, in lieu thereof, application for a new permit shall be made.

SEC. 17. Section 12111 of the Health and Safety Code is amended to read:

12111. A permit may be suspended or revoked, after reasonable notice and hearing, by any chief or issuing authority in the area in which explosives are sold, used, stored, handled, or possessed, if the person to whom the permit was issued sells, uses, stores, or handles the explosives in a manner which is unlawful or which creates an unreasonable hazard to life and property.

The chief or issuing authority taking action to suspend or revoke a permit shall immediately notify the agency who issued the permit of the action taken and shall also immediately notify the State Bureau of Criminal Identification and Investigation in Sacramento.

SEC. 17.5. Section 12112 of the Health and Safety Code is amended to read:

12112. Any decision or action by any chief or issuing authority made pursuant to this part may be appealed to the governing body of the area in which such decision or action is made.

SEC. 18. Section 12121 of the Health and Safety Code is amended to read:

12121. Every person who possesses, stores, uses, sells, gives away, delivers, or otherwise disposes of explosives shall keep an accurate journal, record book, or a record of sale in which he shall note each possession, storage, use, sale, delivery, gift, or other disposition of an explosive and the time when such disposition is made whether in the course of business or otherwise. Such journal, record book, or the record of sale shall be kept on file for a period of not less than three years. Field records required to be kept pursuant to Section 12123 need be kept in the appropriate county only for the period of the possession, storage, use, sale, gift, delivery, or other disposition of explosives within that county, after which time the field records may be destroyed.

SEC. 19. Section 12122 of the Health and Safety Code is amended to read:

12122. Each notation in the journal, record book, or each record of sale, as required by Section 12121, shall legibly show:

(a) The date of each purchase or receipt, storage, use, sale, delivery, gift, or other disposition of explosives.

(b) The name and quantity of the explosives possessed, stored, used, sold, delivered, given away, or otherwise disposed of.

(c) The name, address, and business of the purchaser or transferee, where applicable.

(d) When the explosives are to be transported under Division 14 (commencing with Section 31600) of the Vehicle Code, the permit number issued by the California Highway Patrol; or when transported other than under Division 14 (commencing with Section 31600) of the Vehicle Code, the vehicle operator's license number or other comparable identification, the motor vehicle license number of the vehicle used, and the name and address of the individual to whom the explosives are to be delivered.

(e) The number of the permit to receive explosives.

(f) The name of the public agency which issued the permit and the name of the officer issuing such permit.

SEC. 20. Section 12123 of the Health and Safety Code is amended to read:

12123. The journal, record book, or record of sale shall be kept by the person required to keep it in his principal office or place of business. It shall be at all times, on proper demand, subject to the inspection and examination of any chief or other duly authorized law enforcement official. In addition, if the principal office or place of business is located in a place other than the county within which the explosives are possessed, stored, used, sold, given away, delivered, or otherwise disposed of, field records shall be kept in that county during the period of such possession, storage, use, sale, gift, delivery or other disposition.

SEC. 21. Section 12124 of the Health and Safety Code is amended to read:

12124. The keeping of a journal, record book, or record of sale required by Sections 12121, 12122, and 12123 does not apply to those persons who are rendering a delivery service under a permit issued by the California Highway Patrol pursuant to Division 14 (commencing with Section 31600) of the Vehicle Code, nor does it apply to any possessor or user of explosives not required to have a permit under Section 12102. A journal, record book, or record of sale need not be kept by anyone who is in lawful possession of an explosive and who receives and detonates all such explosives within a 24-hour period.

SEC. 22. Section 12302 of the Health and Safety Code is repealed.

SEC. 23. Section 12303 of the Health and Safety Code is amended to read:

12303. "Lawful possession of an explosive," as used in this chapter, means possessing explosives in accordance with the stated purpose and conditions of a valid permit obtained pursuant to the provisions of this part, unless such person is specifically excepted from the permit requirements by the provisions of this part.

SEC. 24. Section 12304 of the Health and Safety Code is repealed.

SEC. 25. Section 12306 of the Health and Safety Code is repealed.

SEC. 26. Section 12351 of the Health and Safety Code is amended to read:

12351. Any explosives which are illegally manufactured, sold, given away, delivered, stored, used, possessed, or transported shall be subject to immediate seizure by any chief, issuing authority, or peace officer authorized to act under Section 12020. When a permit issued pursuant to this part has expired and is not immediately renewed, any explosives in the possession of the permittee shall be subject to immediate seizure by any chief, issuing authority, or peace officer authorized to act under Section 12020, unless first destroyed by the permittee in accordance with Section 12087.

SEC. 27. Section 12303 of the Penal Code is amended to read:

12303. Any person, firm or corporation who, within this state, sells, offers for sale, possesses or knowingly transports any destructive device, other than fixed ammunition of a caliber greater than .60 caliber, except as provided by this chapter, is guilty of a public offense and upon conviction thereof shall be punished by imprisonment in the county jail for a term not to exceed one year, or in state prison for a term not to exceed five years, or by a fine not to exceed five thousand dollars ($5,000), or by both such fine and imprisonment.

SEC. 28. Section 12303.1 is added to the Penal Code, to read:

12303.1. Every person who willfully does any of the following is guilty of a felony:

(a) Carries any explosive or destructive device on any vessel, aircraft, car, or other vehicle that transports passengers for hire.

(b) Places or carries any explosive or destructive device, while on board any such vessel, aircraft, car or other vehicle, in any hand baggage, roll, or other container.

(c) Places any explosive or destructive device in any baggage which is later checked with any common carrier.

SEC. 29. Section 12303.2 is added to the Penal Code, to read:

12303.2. Every person who recklessly or maliciously has in his possession an explosive or destructive device in any of the following places is guilty of a felony:

(a) On a public street, road, or highway.

(b) In or near any private habitation, public building, or other public place ordinarily passed by human beings.

(c) In, on, or near any vessel, aircraft, train, car, or other vehicle that transports passengers for hire.

SEC. 30. Section 12303.3 is added to the Penal Code, to read:

12303.3. Every person who possesses, explodes, ignites, or attempts to explode or ignite, any explosive or destructive device with intent to injure, intimidate, or terrify any person, or with intent to wrongfully injure or destroy any property of another, is guilty of a felony.

SEC. 31. Section 12303.4 is added to the Penal Code, to read:

12303.4. The term "explosive," as used in Sections 12303.1, 12303.2, and 12303.3, means any explosive as defined in Section 12000 of the Health and Safety Code.

SEC. 32. Section 12303.5 is added to the Penal Code, to read:

12303.5. Every person who is found guilty of a felony in violation of Section 12303.1, 12303.2, or 12303.3 is punishable by imprisonment in the state prison not exceeding 15 years.

SEC. 32.5. Section 12303.5 is added to the Penal Code, to read:

12303.5. Every person who is found guilty of a felony in violation of Section 12303.1 is punishable by imprisonment in the state prison not exceeding 15 years.

SEC. 32.6. Section 12312 is added to the Penal Code, to read:

12312. Every person who possesses any substance, material, or any combination of substances or materials, with the intent to make any destructive device or any explosive without first obtaining a valid permit to make such destructive device or explosive, is guilty of a felony, and is punishable by imprisonment in the state prison not exceeding 15 years.

SEC. 33. Section 31600 of the Vehicle Code is amended to read:

31600. For the purposes of this division, the term "explosive" or "explosives" shall mean any substance, or combination of substances, the primary or common purpose of which is detonation or rapid combustion and which is capable of a relatively instantaneous or rapid release of gas and heat. The term "explosive" or "explosives" shall include, but shall not necessarily be limited to, any of the following:

(a) Dynamite, nitroglycerine, picric acid, lead azide, fulminate of mercury, black powder, smokeless powder, propellant explosives, detonating primers, blasting caps, or commercial boosters.

(b) Substances determined to be class A or class B explosives as classified by the United States Department of Transportation.

(c) Nitro carbo nitrates (blasting agents) substances as classified by the United States Department of Transportation.

(d) Any substance meeting the provisions of this section when designated as class A or class B in regulations adopted by the State Fire Marshal in accordance with the provisions of Chapter 4.5 (commencing with Section 11371), Part 1, Division 3, Title 2, of the Government Code. Such designations shall be made pursuant to classification standards established by the United States Department of Transportation.

(e) The term "explosives" as used in this division shall not be deemed to include small arms ammunition of .75 caliber or less, nor any other class C explosives as classified by the United States Department of Transportation.

(f) This division shall not apply to special fireworks classified by the United States Department of Transportation as class B explosives when such special fireworks are regulated by and in conformance with Part 2 (commencing with Section 12500) of Division 11 of the Health and Safety Code.

SEC. 34. The Legislature finds and declares that though there is a legitimate need for the manufacture, sale, transport, storage, possession and use of explosives, the present statutory scheme has proven itself ineffective in controlling the theft and unlawful use of explosives of all kinds. Though conscious of

the necessity of preserving legitimate access to explosives, this need must be balanced against the present widespread illicit use which forms a serious and present danger to society. The Legislature therefore declares its intention that the provisions of this act be construed with the purpose of limiting the lawful manufacture, sale, transport, storage, possession and use of explosives to only those situations where the lawful purpose of such manufacture, sale, transport, storage, possession, and use is clearly apparent.

SEC. 35. It is the intent of the Legislature, if amendments to Section 12303 of the Penal Code proposed by Assembly Bill No. 970 are enacted, that such amendments prevail over the amendments proposed by this act to Section 12303. Therefore, in the event Assembly Bill No. 970 is enacted and amends Section 12303 of the Penal Code, Section 12303 as amended by Section 27 of this act is repealed at the time that Section 12303 as amended by Assembly Bill No. 970 becomes operative.

SEC. 36. If prior to the effective date of this act Assembly Bill No. 1003 has been enacted and become effective, and such act amends Section 12301 of the Penal Code to include a definition of the term "explosive," Section 31 of this act shall not become operative.

SEC. 37. If prior to the effective date of this act Assembly Bill No. 1003 has been enacted and become effective, and such act adds a Section 12303.2 to the Penal Code, Section 29 of this act shall not become operative.

SEC. 38. If prior to the effective date of this act Assembly Bill No. 1003 has been enacted and become effective, and such act adds a Section 12303.3 to the Penal Code, Section 30 of this act shall not become operative.

SEC. 39. Section 32.5 of this act shall only become operative if, prior to the effective date of this act, Assembly Bill No. 1003 has been enacted and become effective and such act adds a Section 12303.2 and 12303.3 to the Penal Code. In such case, Section 32 of this act shall not become operative.

SEC. 40. 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:

Bombings of public and private buildings have recently taken place at an increased rate, and in order to provide greater security and control over explosives which might wrongfully become available to persons intent on using such explosives for illegal purposes and to deter such illegal bombings, it is necessary that this act go into effect immediately.

CHAPTER 1426

An act to amend Section 13601 of the Welfare and Institutions Code, relating to public assistance, and making an appropriation therefor.

[Approved by Governor September 18, 1970. Filed with Secretary of State September 18, 1970.]

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

SECTION 1. Section 13601 of the Welfare and Institutions Code is amended 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.

Notwithstanding any other provision of this chapter, a recipient residing with his parents shall, if the parents have an annual net income of less than fifteen thousand dollars ($15,000), receive a housing needs allowance to be determined by the director in accordance with the ability of the parents to provide for such housing needs. The director may adopt and, if the availability of funds so requires, may modify regulations establishing a graduated schedule of housing allowances based on relative net parental income, which shall be the basis for administering this section

SEC. 2. There is hereby appropriated to the Department of Social Welfare for the purposes of this act the sum of one million eight hundred thousand dollars ($1,800,000) for the 1970 fiscal year. The Director of the Department of Social Welfare shall adopt, and, if necessary, shall modify regulations as provided in Section 13601 of the Welfare and Institutions Code in such a manner as to limit expenditures due to the provisions of Section 13601 of the Welfare and Institutions Code to the appropriation provided in this section.

CHAPTER 1427

An act to add Section 19152 to the Business and Professions Code, relating to furniture and bedding.

[Approved by Governor September 18, 1970. Filed with Secretary of State September 18, 1970.]

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

SECTION 1. Section 19152 is added to the Business and Professions Code, to read:

19152. No unconditional guaranty or replacement without charge relating to the quality of an article of upholstered furniture or bedding given by a person licensed under this chapter to a purchaser of such upholstered furniture or bedding shall exceed a period of five years from the date of sale.

This section does not preclude the offering of a warranty which would allow for a schedule of replacement charges based on period of use.

CHAPTER 1428

An act to amend Section 689b of the Code of Civil Procedure, to amend Sections 9302 and 10102 of the Commercial Code, to amend Sections 11556, 12805, 14254.5, 14255, and 14956 of the Government Code, to amend Sections 31, 32, 33, 50, 50.2, 71.4, 71.8, 72, 72.2, 76.1, 80, 80.2, 82, 85.2, 651, 652, 652.5, 653, 654.1, 655, 658, 659, 660, 663, 663.5, 664, 667, 668, 669, 764, 767, and 770 of, to amend the headings of Division 1 (commencing with Section 30) of, Chapter 2 (commencing with Section 50) of Division 1 of, Chapter 3 (commencing with Section 80) of Division 1 of, and Chapter 5 (commencing with Section 650) of Division 3 of, to amend and renumber the heading of Article 5 (commencing with Section 760) of Chapter 5 of Division 3 of, to add Sections 50.1, 72.5, 72.6 to, and to add Article 2.5 (commencing with Section 65) to Chapter 2 of Division 1 of, to repeal Sections 37, 83, and 83.2 of, and to repeal Article 2 (commencing with Section 680), Article 3 (commencing with Section 700), and Article 4 (commencing with Section 750) of Chapter 5 of Division 3 of, the Harbors and Navigation Code, to amend Section 830.4 of the Penal Code, to amend Sections 5008 and 5008.5 of, to add Section 5003.6 to, the Public Resources Code, to amend Section 8352 of the Revenue and Taxation Code, to add Division 3.5 (commencing with Section 9840) to, and to add Chapter 1.5 (commencing with Section 10550) to Division 4 of the Vehicle Code, to amend Sections 11910, 11910.1, 11912, and 11918 of, and to repeal Article 5 (commencing with Section 330) of Chapter 2.5 of Division 1 of, the Water Code, relating to the reorganization of the executive branch of the California state government.

[Approved by Governor September 18, 1970. Filed with Secretary of State September 18, 1970.]

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

SECTION 1. Section 689b of the Code of Civil Procedure is amended to read:

689b. (1) Where the property levied upon is a vehicle or a vessel required to be registered with the Department of Motor Vehicles, the officer shall forthwith determine from such department the name and address of the legal owner of the vehicle or vessel and shall notify any such legal owner who is not also the registered owner of such vehicle or vessel of the levy by registered mail or certified mail or personal service.

(2) A seller or mortgagee may file with the officer levying on personal property a verified written claim, together with a copy thereof, containing a detailed statement of the sales contract or mortgage and the total amount of sums due or to accrue to him under the contract or mortgage, above setoffs, with interest to date of tender, and also stating therein his address within this state for the purpose of permitting service by mail upon him of any notice in connection with said claim. The officer making the levy may demand and exact the payment or undertaking herein provided for, notwithstanding any defect, informality or insufficiency of the verified claim delivered to him.

(3) Within five days after being served with such verified claim the officer levying on such property must make demand by registered mail or certified mail on the plaintiff or his attorney for the amount of the claimed debt and interest due to date of tender or the delivery to the officer of an undertaking and statement as hereinafter provided, which demand shall include the copy of such claim.

(4) Within five days after receipt by the plaintiff or his attorney of such officer's demand the plaintiff shall deposit with the officer the amount of such debt and interest or deliver the undertaking and statement hereinafter provided, or the levying officer must release the property.

(5) Within five days after receipt by him of such deposit the officer must pay or tender same to the seller or mortgagee; provided, that should such deposit be made by check the officer shall be allowed a reasonable time for check to clear.

(6) If the tender is accepted, all right, title, and interest of the seller or mortgagee in the property levied upon shall pass to the party to the action making the payment.

(7) If the tender is refused, the amount thereof shall be deposited with the county treasurer, payable to the order of the seller or mortgagee.

(8) Until such payment or deposit covering such claim is made, or the undertaking and statement herein provided delivered to the officer, the property cannot be sold under the levy; but when made (and also in case the seller or mortgagee fails to render his claim within 30 days after the personal service upon him of a written demand therefor, which service must be attested by the certificate of the serving officer, filed before the sale with the papers of the action wherein the attachment or execution was issued), then the officer must retain the property, and, in the case of an execution sell it in the manner provided by law, free of all liens or claims of

the seller or mortgagee. Such written demand of the levying officer may be served by him, or for him by any sheriff, marshal, or constable whose office is closer to the place of service, and whose fees and mileage shall be paid out of the prepaid fees in the possession of the levying officer.

(9) When an attachment or execution creditor presents to the officer, within the time allowed from the officer's demand, a verified statement that the sales contract or mortgage is void or invalid for the reasons specified therein, and delivers to the officer a good and sufficient undertaking in double the amount of the indebtedness claimed by the seller or mortgagee or double the value of the personal property as the officer may determine and require, the officer shall retain the property and in case of an execution sell it in the manner provided by law, free of all liens or claims of the seller or mortgagee.

The undertaking shall be made to the seller or mortgagee and shall indemnify him for the taking of the property against loss, liability, damages, costs and counsel fees. Exceptions to the sufficiency of the sureties and their justification may be had and taken in the same manner as upon an undertaking on attachment.

If such undertaking be given, such officer shall not be liable for damages to any such claimant for the taking, keeping, or sale of such property in accordance with the provisions of this code.

(10) Whenever a verified claim herein is delivered to the officer as herein provided, upon levy of execution or attachment (whether any undertaking hereinabove mentioned be given or not), the plaintiff, or the person in whose favor the writ runs, the claimant, or any one or more such joint claimants, shall be entitled to a hearing in the court in which the action is pending or from which the writ issued for the purpose of determining the validity of such sales contract or chattel mortgage. Such hearing may be had and taken, and stay of execution or other order made in the same manner as on third party claims under Section 689 of this code. At the conclusion of the hearing the court shall give judgment determining the validity of the claim under the sales contract or chattel mortgage which shall be conclusive between the claimant and the plaintiff, or other person in whose favor the writ runs The court in which the action is pending, or which issued such writ, shall have original jurisdiction in all proceedings under this section.

If the property shall have been released by the officer for want of an undertaking or payment, and final judgment shall go for the plaintiff or other person in whose favor the writ runs, the officer shall retake the property on such writ, if the writ shall still be in his hands, or if the writ shall have been returned, another writ may be issued on which the officer may take such property.

SEC. 2. Section 9302 of the Commercial Code is amended to read:

9302. (1) A financing statement must be filed to perfect all security interests except the following:

(a) A security interest in collateral in possession of the secured party under Section 9305;

(b) A security interest temporarily perfected in instruments or documents without delivery under Section 9304 or in proceeds for a 10-day period under Section 9306;

(c) A purchase money security interest in farm equipment having a purchase price not in excess of two thousand five hundred dollars ($2,500); but compliance with subdivision (4) is required for a motor vehicle required to be registered;

(d) A purchase money security interest in consumer goods; but compliance with subdivision (4) is required for a motor vehicle or boat required to be registered;

(f) A security interest of a collecting bank (Section 4208) or arising under the division on sales (see Section 9113) or covered in subdivision (3) of this section;

(g) A security interest in general intangibles; provided, however, that as between bona fide assignees for value without notice of the same general intangible consisting of any right to payment, the assignee first giving notice thereof to the account debtor in writing shall have priority, but the assignment of such general intangible shall not be of itself notice to the account debtor so as to invalidate any payments made by him to the transferor;

(h) Assignments for the benefit of all the creditors of the transferor, and subsequent transfers by the assignee thereunder.

(2) If a secured party assigns a perfected security interest, no filing under this division is required in order to continue the perfected status of the security interest against creditors of and transferees from the original debtor.

(3) The filing provisions of this division do not apply to a security interest

(a) In property subject to a statute of the United States which provides for a national registration or filing of all security interests in such property; or

(b) In a vehicle or vessel required to be registered under the Vehicle Code, unless such vehicle or vessel is inventory.

(4) A security interest is property subject to a statute of the United States which provides for national registration or filing of all security interests in such property may be perfected only by filing or registration under such statute. A security interest in a vehicle or vessel required to be registered under the Vehicle Code which is not inventory may be perfected only as provided in the Vehicle Code.

SEC. 3. Section 10102 of the Commercial Code is amended to read:

10102. Transactions validly entered into before the effective date specified in Section 10101 and the rights, duties and interests flowing from them remain valid thereafter and may be terminated, completed, consummated or enforced as re-

quired or permitted by any statute or other law amended or repealed by this act as though such repeal or amendment had not occurred; provided, however, that the perfection of a security interest (other than a security interest (i) in a motor vehicle or vessel required to be registered under the Vehicle Code unless such vehicle or vessel is inventory or (ii) in personal property, including fixtures, which constitutes a portion of the properties included in an agreement which is a mortgage or deed of trust of both real and personal property made to secure the payment of bonds or other evidences of indebtedness authorized or permitted to be issued by the Commissioner of Corporations, or made by a public utility as defined in the Public Utilities Code), as defined in this code (Section 1201), and however denominated in any law repealed by this act,

(a) Which was perfected when this act takes effect by a filing or recording under a law repealed by this act and requiring a further filing or recording to continue its perfection, continues until and will lapse on the date provided by the law so repealed for such further filing or recording;

(b) Which was perfected when this act takes effect by a filing or recording under a law repealed by this act and requiring no further filing or recording to continue its perfection, continues until and will lapse 12 months after the date this act takes effect;

(c) Which was perfected when this act takes effect without any filing or recording, but with respect to which a financing statement is required to be filed in order for it to be perfected under this code, continues until and will lapse 12 months after this act takes effect;

unless, in each case, a continuation statement is filed by the secured party within 12 months before the perfection of the security interest would otherwise lapse. Any such continuation statement must be signed by the secured party, identify the original security agreement, however denominated, state the office where and the date when last filed or refiled, or recorded or rerecorded, and the filing number or recordation data and further state that the original security agreement is still effective. Section 9401(1) determines the proper place to file such a continuation statement. Except as herein specified the provisions of Section 9403(3) apply to such a continuation statement.

SEC. 4. Section 11556 of the Government Code is amended to read:

11556. An annual salary of twenty-five thousand dollars ($25,000) shall be paid to each of the following:

(a) Director of Navigation and Ocean Development

(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.

SEC. 5. Section 12805 of the Government Code is amended to read:

12805. The Resources Agency consists of the State Air Resources Board, the Colorado River Board, the Office of Nuclear Energy, the State Water Resources Control Board and each California regional water quality control board, and the following departments: Conservation, Fish and Game; Navigation and Ocean Development; Parks and Recreation; and Water Resources.

SEC. 6. Section 14254.5 of the Government Code is amended to read:

14254.5. "Department," as used in this chapter, means (a) the Department of Water Resources as to any project under the jurisdiction of that department, (b) the Department of General Services as to any project under the jurisdiction of that department, (c) the Department of Navigation and Ocean Development as to any project under the jurisdiction of that department pursuant to Article 2.5 (commencing with Section 65) of Chapter 2 of Division 1 of the Harbors and Navigation Code, and (d) the Department of Public Works as to all other projects.

"Director," as used in this chapter, means the director of each department as defined herein respectively.

SEC. 7. Section 14255 of the Government Code is amended to read:

14255. Whenever provision is made by law for any project which is not under the jurisdiction of the Department of Water Resources, the Department of Navigation and Ocean Development pursuant to Article 2 5 (commencing with Section 65) of Chapter 2 of Division 1 of the Harbors and Navigation Code, or the Department of General Services, the project shall be under the sole charge and direct control of the Department of Public Works.

SEC. 8. Section 14956 of the Government Code is amended to read:

14956. The provisions of this chapter, insofar as they vest in the State Architect general charge of the erection of all state buildings and require him to have an inspector assigned to each building during its construction, shall not apply to the construction of any public works which is under the jurisdiction of the Department of Water Resources, the Department of Navigation and Ocean Development pursuant to Article 2 5 (commencing with Section 65) of Chapter 2 of Division 1 of the Harbors and Navigation Code, or the Department of Public Works.

SEC. 9. The heading of Division 1 (commencing with Section 30) of the Harbors and Navigation Code is amended to read:

DIVISION 1. DEPARTMENT OF NAVIGATION AND OCEAN DEVELOPMENT AND THE NAVIGATION AND OCEAN DEVELOPMENT COMMISSION

SEC. 10. Section 31 of the Harbors and Navigation Code is amended to read:

31. "Commission" means the Navigation and Ocean Development Commission.

SEC. 11. Section 32 of the Harbors and Navigation Code is amended to read:

32. "Department" means the Department of Navigation and Ocean Development.

SEC. 12. Section 33 of the Harbors and Navigation Code is amended to read:

33. "Director" means the Director of Navigation and Ocean Development.

SEC. 13. Section 37 of the Harbors and Navigation Code is repealed.

SEC. 14. The heading of Chapter 2 (commencing with Section 50) of Division 1 of the Harbors and Navigation Code is amended to read:

CHAPTER 2. DEPARTMENT OF NAVIGATION AND OCEAN DEVELOPMENT

SEC. 15. Section 50 of the Harbors and Navigation Code is amended to read:

50. The Department of Harbors and Watercraft is continued in existence in the Resources Agency as the Department of Navigation and Ocean Development. The department is the successor to, and is vested with, the powers, functions, and jurisdiction of the following state departments and agencies as hereinafter specified:

(a) All of the powers, functions, and jurisdiction previously vested in the Division of Small Craft Harbors of the Department of Parks and Recreation.

(b) All of the powers, functions, and jurisdiction of the State Lands Commission with respect to the acquisition, construction, development, improvement, maintenance, and operation of small craft harbors.

(c) All of the powers, functions, and jurisdiction of the Department of Parks and Recreation with respect to boating facility planning and design.

(d) All of the powers, functions, and jurisdiction of the Office of Architecture and Construction in the Department of General Services with respect to boating facility planning and design.

(e) All of the powers, functions, and jurisdiction of the Department of Water Resources with respect to beach erosion control.

(f) All of the policymaking and regulatory powers, functions, and jurisdiction of the Harbors and Watercraft Commission as to matters within the jurisdiction of the department.

SEC. 16. Section 50.1 is added to the Harbors and Navigation Code, to read:

50.1. Whenever the term "Division of Small Craft Harbors" or the term "Small Craft Harbors Commission" is used in any provision of law, it shall be construed as referring to the Department of Navigation and Ocean Development.

Whenever, by any statute now in force or that may be hereafter enacted, any power, function, or jurisdiction, as specified in Section 50, is imposed or conferred upon the State Lands Commission, the Department of Parks and Recreation, the Office of Architecture and Construction in the Department of General Services, or the Department of Water Resources, such power, function, or jurisdiction shall be deemed to be imposed or conferred upon the Department of Navigation and Ocean Development.

Nothing in this section or in this code shall divest the State Lands Commission of jurisdiction with respect to the leasing of state lands, including state lands used for small craft harbors, swamps and overflow lands, or tide and submerged lands, for the extraction and removal of oil and gas and other minerals.

SEC. 17. Section 50.2 of the Harbors and Navigation Code is amended to read:

50.2. The department shall be administered by an executive officer known as the Director of Navigation and Ocean Development. The director shall be appointed by and hold office at the pleasure of the Governor and shall receive an annual salary as provided in Section 11557 of the Government Code. The appointment of any director appointed by the Governor shall be subject to confirmation by the Senate.

SEC. 18. Article 2.5 (commencing with Section 65) is added to Chapter 2 of Division 1 of the Harbors and Navigation Code, to read:

Article 2.5. Beach Erosion Control

65. The department, either independently or in cooperation with any person or any county, state, federal, or other agency, to the extent that funds are available therefor, shall study and report upon problems of beach erosion and means for the stabilization of beaches and shoreline areas.

65.1. To the extent that funds are available therefor, the department shall cooperate with all agencies of government, federal, state, and local, for the purposes of beach erosion control and stabilization of beaches and shoreline areas, and shall act in an advisory capacity on beach erosion control and stabilization of beaches and shoreline areas when requested by any public agency of the state or by any agency of the federal government.

65.2. The department shall prepare plans for and construct such works as its studies and investigations indicate to be necessary for beach erosion control and stabilization of beaches and shoreline areas, to the extent that funds are available therefor. In the preparation of such plans and construction of works therefor the department may cooperate by contract or otherwise with the Beach Erosion Board of the United States or with any other federal, state, county, or municipal agency, or with any or all such agencies, upon such terms and conditions and in such manner as will be for the best interests of the state.

65.3. When state funds are made available on a matching basis to be expended in connection with any federal project for beach erosion control or stabilization of beaches and shoreline areas, such funds shall be administered by the department, subject to approval of the Director of Finance.

65.4. Any plans for construction of beach erosion control works which may in any way affect recreational beaches under the ownership or control of the Department of Parks and Recreation shall be subject to approval by the Department of Parks and Recreation.

65.5. Whenever a beach erosion control project has been authorized by Congress for federal financial participation in accordance with Public Law 727, 79th Congress, 2nd Session, as amended by Public Law 826, 84th Congress, 2nd Session, or as it may hereafter be amended, or any other act of Congress relating to beach erosion control in which local participation is required, it shall be the policy of the state to bear one-half the costs of local participation required by the authorizing federal legislation, including construction costs and costs of lands, easements, and rights-of-way; provided, any affected city, county, or other public agency furnishes assurances satisfactory to the department that it will provide all other local cooperation required by the authorizing federal legislation, will hold and save the state free from damages for all time due to the construction, operation, and maintenance of the project, and will maintain and operate the project during its useful life, as may be required to serve its intended purpose, subject to such regulations as may be prescribed therefor by the department.

65.6. Notwithstanding the provisions of Section 65.5, appropriations may be made by the state, from time to time by law, to pay for the costs of sharing in such participation in beach erosion control projects following state authorization of a specific project, but such participation shall apply only to costs incurred for the project as finally authorized by the Congress and the state, and appropriations for such costs shall not be expended by the state until after the appropriation of construction funds by the Congress.

65.7. Small beach erosion control projects not specifically authorized by Congress and undertaken by the United States Corps of Engineers pursuant to Section 103 of the River and

Harbor Act of 1962, Title I of Public Law 87-874, 76 Stat. 1173, and Section 310(b) of the River and Harbor Act of 1965, Title III of Public Law 89-298, 79 Stat. 1073 (33 U.S.C. 426(f) and 426(g)), are authorized for state participation pursuant to Section 65.5 without further specific authorization by the Legislature, at such costs as may be appropriated by the Legislature upon the recommendation and advice of the department. Such state participation shall not take precedence over other pending projects of higher priority.

65.8. The department shall report to the Legislature from time to time the amount of funds which are required to carry out the policy set forth in Section 65.5, and shall make recommendations to the Governor and to the Legislature as to the amount of funds which should be appropriated therefor.

65.9. Whenever beach erosion control works are included in a small boat harbor development project, the report of the department required by Section 65.8 shall be approved by the Director of Finance prior to submission to the Legislature.

66. The department, with the approval of the Director of Finance, and on terms satisfactory to the department may advance moneys appropriated for this purpose in the amount required to meet the federal share of any project described in Section 65.5 in order to carry out construction of the project. Reimbursement from the federal government shall be reimbursed to the fund from which the advance was made.

66.1. Where the department is the construction agency, the city, county or other public agency acting in cooperation with the department in the construction of any federally authorized beach erosion control project shall transmit funds representing its share of the costs to the department for deposit in the State Treasury in advance of commencement of construction work.

67. The San Diego County Beach Erosion Control Project (Imperial Beach) is authorized for state participation pursuant to Section 65.5 substantially in accordance with the plan set forth in House Document 399, 84th Congress, and authorized by the River and Harbor Act of 1958, Title I of Public Law 85-500, 72 Stat. 297. Such state participation shall be subject to appropriations applicable thereto or funds available therefor and shall not take precedence over other pending projects of higher priority.

67.1. The San Diego (Sunset Cliffs), California, Beach Erosion Control Project is authorized for state participation pursuant to Section 65.5 substantially in accordance with the plan set forth in House Document 477, 89th Congress, and authorized by the River and Harbor Act of 1966, Title I of Public Law 89-789, 80 Stat. 1405. Such state participation shall be subject to appropriations applicable thereto or funds available therefor and shall not take precedence over other pending projects of higher priority. Notwithstanding the provisions of Section 65.6, state funds appropriated for this project may

be expended prior to the appropriation of construction funds for such project by the Congress.

67.2. The Orange County, California, Beach Erosion Control Project is authorized for state participation pursuant to Section 65.5 substantially in accordance with the plan set forth in House Document 602, 87th Congress, and authorized by the River and Harbor Act of 1962, Title I of Public Law 87-874, 76 Stat. 1173. Notwithstanding the provisions of Section 65.6, state funds appropriated for this project may be expended prior to the appropriation of construction funds for said project by the Congress. Such state participation shall be subject to appropriations applicable thereto or funds available therefor and shall not take precedence over other pending projects of higher priority.

67.3. The Los Angeles County (Redondo Beach to Malaga Cove) Beach Erosion Control Project is authorized for state participation pursuant to Section 65.5 substantially in accordance with the plans set forth in House Document 277, 83rd Congress, and authorized by the River and Harbor Act of 1954, Title I of Public Law 780, 83rd Congress, Second Session, 68 Stat. 1248. Such state participation shall be subject to appropriations applicable thereto or funds available therefor and shall not take precedence over other pending projects of higher priority.

SEC. 19. Section 71.4 of the Harbors and Navigation Code is amended to read:

71.4. The department, subject to the approval of the Legislature in accordance with Section 85.2 of this code, may make loans to cities, counties, or districts having power to acquire, construct, and operate small craft harbors, for the planning, acquisition, construction, improvement, maintenance, or operation of small craft harbors and facilities in connection therewith, and connecting waterways, if the department finds that the project is feasible. The department shall establish, by rules and regulations, policies and standards to be followed in making loans pursuant to this section so as to further the proper development and maintenance of a statewide system of small craft harbors and connecting waterways. Any such loan shall be repaid as provided in Section 70.

The department shall submit any project for which it recommends any loan be made to the Governor for inclusion in the Budget Bill.

SEC. 20. Section 71.8 of the Harbors and Navigation Code is amended to read:

71.8. Any contract or agreement for a transfer pursuant to Section 70 or a loan pursuant to Section 71.4, for which gross revenues of a small craft harbor are made the security for repayment shall include, but is not limited to, provisions requiring the governing body of the city, county, or district to:

(a) Punctually pay all installments of principal and interest on money owed to the state.

(b) Continuously operate in an efficient and economical manner all small craft harbor facilities acquired, constructed, improved or completed in full or in part as a result of transfers or loans by the state.

(c) Make all repairs, renewals and replacements necessary to the efficient operation of the small craft harbor facilities and to keep them in good repair at all times.

(d) Preserve and protect the security interest of the state in all respects by procuring insurance on such facilities in an amount and of the type approved by the department.

(e) Periodically fix, prescribe and collect fees, rentals or other charges for services and facilities of the small craft harbor facilities sufficient to produce gross revenues adequate for payment of the following in the order set forth:

(1) All installments of principal and interest on money owed the state as they come due.

(2) All expenses of operation, maintenance, and repair of the small craft harbor facilities.

(3) Such additional sums as may be required by the department for any sinking fund, reserve fund or other special fund established for the further security of the loan or transfer or as a depreciation or other charge in connection with the small craft harbor facilities.

(f) Repay loans with regard to the revenue-producing features, as determined by the department, constructed under the loan over a period not to exceed 30 years.

(g) Repay loans with regard to the non-revenue-producing features, as determined by the department, constructed under the loan over a period not to exceed 50 years.

In addition to the foregoing, the department may include in any such contract or agreement a requirement that installments of principal and interest on money owed the state shall be paid from gross revenues prior to any other expenditures from such revenues; provided, however, that if the department is satisfied that the city, county or district has sufficient financial resources to fully repay such loan without the necessity of the foregoing requirement, such requirement may be waived and such contract or agreement may then provide that installments of principal and interest on money owed the state may be repaid under such terms and conditions as may be mutually agreed upon and specifically set forth in such contract or agreement No loan of funds shall be made to any city, county or district unless such loan is approved by the department as conforming to the policies established by the department. Such contracts and agreements shall not be effective until approved by the Department of Finance and the Department of General Services as to the legality, form and completeness thereof.

In the event of default the state shall proceed forthwith by means of legal action to recover such defaulted loans.

SEC. 21. Section 72 of the Harbors and Navigation Code is amended to read:

72. If the legislative body of a city, county, or district has acquired, constructed or improved small craft harbor facilities pursuant to an agreement or contract for a transfer pursuant to Section 70, or a loan pursuant to Section 71.4, such facilities may not be leased in whole or in part to a private concessionaire or lessee until such legislative body has published a notice pursuant to Section 6066 of the Government Code inviting bids and has otherwise complied with this section. Prior to publication of the notice the legislative body shall obtain the approval of the department to the proposed leasing of the harbor facility and to the terms and conditions of the proposed lease. The notice shall distinctly and specifically describe the harbor facilities which are to be leased and set forth the period of the time for which the facilities are to be leased, and the minimum rental to be paid under the lease. The notice shall recite that the lease will reserve to the legislative body the power to fix and determine the rates to be charged by the lessee for the use by the public of such facilities. The notice also shall recite that award of the lease by the legislative body is subject to final approval by the department, and fix a time and place for the opening of bids by the legislative body.

At the time and place fixed in the notice the legislative body shall meet and consider all bids which have been submitted. The lease shall be awarded to the highest responsible bidder, but the award shall become final only after the award by the legislative body has been approved by the department.

SEC. 22. Section 72.2 of the Harbors and Navigation Code is amended to read:

72.2. Notwithstanding other provisions of this chapter if the legislative body of a city, county, or district has acquired, constructed or improved small craft harbor facilities pursuant to an agreement or contract for a transfer pursuant to Section 70, or a loan pursuant to Section 71.4, where the proposed lease area is land or water area and where the terms of the proposed lease call for the lessee to install or construct all improvements, such land or water area may be leased by the legislative body without public bidding, but only after a public hearing, public notice of which shall be given by publication for not less than once a week for two weeks in a newspaper of general circulation published in the county in which the land lies.

Prior to publication of the public notice the legislative body shall obtain the approval of the department to the proposed leasing of the harbor facility and the provisions of the proposed public notice. The public notice shall describe the land or water area which is to be leased, describe in general terms the nature of the development desired by the legislative body, and set forth the period of time for which the land or water area is to be leased, and the minimum rental to be paid under the lease. The public notice shall recite that the lease will reserve to the legislative body the power to fix and determine

the rates to be charged by the lessee for the use by the public of facilities developed by the lessee. The public notice also shall recite that award of the lease by the legislative body is subject to final approval by the department, and fix a time and place for the public hearing by the legislative body. The public notice shall invite proposals for leasing from any and all interested parties.

At the time and place fixed in the public notice of hearing the legislative body shall meet and consider the lease proposal submitted. The award of the lease shall become final only after the award by the legislative body has been approved by the department.

SEC. 23. Section 72.5 is added to the Harbors and Navigation Code, to read:

72.5. The department, subject to the approval of the Legislature in accordance with Section 85.2, may grant funds to a county, city, or district for the construction and development of small craft launching facilities and shall establish general policies for determining those projects for launching facilities which the department will recommend to the Legislature for grants of Harbors and Watercraft Revolving Fund moneys on the basis of which facilities will serve the public recreational boating needs.

This program is to build launching facilities in areas not normally considered by other state agencies as suitable to provide for conservation, propagation, and utilization of the fish and game resources of the state.

The department shall submit any project for which it recommends any grant be made to the Governor for inclusion in the Budget Bill.

SEC. 24. Section 72.6 is added to the Harbors and Navigation Code, to read:

72.6. If the department determines that any loan not exceeding the sum of fifty thousand dollars ($50,000) which was made to a local agency pursuant to former Section 5827 of the Public Resources Code prior to September 15, 1961 (the effective date of the program of grants to local agencies for the construction and development of small craft launching facilities), for the construction and development of small craft launching facilities, would have been made as a grant under either former Section 5865 of the Public Resources Code or Section 83 if that section had been in effect, the department may amend the existing loan contract to provide that no further repayments due or payable thereunder on September 17, 1965, are required and such loan shall thereafter be considered for all purposes a grant pursuant to Section 72.5. If the department so amends such a contract, the contract shall provide, however, that if in any fiscal year there is any net profit over and above operational and maintenance expenses from the facilities constructed or developed with funds obtained by such a loan, the local agency shall pay such net profit for each such fiscal year to the state as a partial repayment of the loan

until the loan is repaid in full. The contract, if so amended, shall further provide that use of any launching ramp shall be free of charge.

The Legislature hereby finds and declares that the continuation of this section is necessary in the public interest in order to permit the continued operation and maintenance of certain launching facilities financed prior to September 15, 1961, since the inadequacy of revenues from said launching facilities, one of the principal factors which prompted the enactment in 1961 of the grant program, may, if loan repayments are required, result in the economic failure and discontinuance of these facilities.

SEC. 25. 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 Navigation and Ocean Development.

(c) "Director" refers to the Director of Navigation and Ocean Development.

(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. 26. The heading of Chapter 3 (commencing with Section 80) of Division 1 of the Harbors and Navigation Code is amended to read:

CHAPTER 3. NAVIGATION AND OCEAN DEVELOPMENT COMMISSION

SEC. 27. Section 80 of the Harbors and Navigation Code is amended to read:

80. The Harbors and Watercraft Commission is continued in existence in the Department of Navigation and Ocean De-

velopment as the Navigation and Ocean Development Commission but with only the powers and duties imposed upon it by this chapter.

SEC. 28. Section 80.2 of the Harbors and Navigation Code is amended to read:

80.2. Except as otherwise provided in Section 80.4, the commission shall be composed of seven members appointed by the Governor, with the advice and consent of the Senate. At least two of the seven members shall be persons who hold a yacht and ship broker's license. In making appointments to the commission, the Governor shall give primary consideration to geographical location of the residence of members as related to major oceanographic activities.

SEC. 29. Section 82 of the Harbors and Navigation Code is amended to read:

82. The commission shall advise the department with respect to all matters within the jurisdiction of the department.

SEC. 30. Section 83 of the Harbors and Navigation Code is repealed.

SEC. 31. Section 83.2 of the Harbors and Navigation Code is repealed.

SEC. 32. Section 85.2 of the Harbors and Navigation Code is amended to read:

85.2. All moneys in the Harbors and Watercraft Revolving Fund shall be available, when appropriated by the Legislature, for expenditures by the department for the purposes of this division and Section 656.4 of this code, including refunds, and for expenditure by the Department of Parks and Recreation for construction of small craft harbor and boating facilities planned and designed by the Department of Navigation and Ocean Development at sites owned or under the control of the state Vessel registration fees received into the fund shall be expended pursuant to Section 9863 of the Vehicle Code.

Not more than twelve and one-half (12½) percent of the funds appropriated by subdivision (g) of Section 8352 of the Revenue and Taxation Code shall be reapportioned in any year for construction by the Department of Parks and Recreation of small craft harbor and boating facilities planned and designed by the Department of Navigation and Ocean Development at sites owned or under the control of the state.

SEC. 33. The heading of Chapter 5 (commencing with Section 650) of Division 3 of the Harbors and Navigation Code is amended to read:

CHAPTER 5. OPERATION AND EQUIPMENT OF VESSELS

SEC. 34. Section 651 of the Harbors and Navigation Code is amended to read:

651. As used in this chapter, unless the context clearly requires a different meaning:

(a) "Department" means the Department of Navigation and Ocean Development.

(b) "Director" means the Director of Navigation and Ocean Development.

(c) "Vessel" includes every description of watercraft used or capable of being used as a means of transportation on water, except the following:

(1) A seaplane on the water.

(2) A watercraft specifically designed to operate on a permanently fixed course, the movement of which is restricted to or guided on such permanently fixed course by means of a mechanical device on a fixed track or arm to which the watercraft is attached or by which the watercraft is controlled, or by means of a mechanical device attached to the watercraft itself.

(d) "Motorboat" means any vessel propelled by machinery, whether or not such machinery is the principal source of propulsion but shall not include a vessel which has a valid marine document issued by the Bureau of Customs of the United States government or any federal agency successor thereto.

(e) "Owner" is a person having all the incidents of ownership, including the legal title, of a vessel whether or not such person lends, rents, or pledges such vessel; the person entitled to the possession of a vessel as the purchaser under a conditional sales contract; or the mortgagor of a vessel. "Owner" does not include a person holding legal title to a vessel under a conditional sales contract, the mortgagee of a vessel, or the renter or lessor of a vessel to the state or to any county, city, district, or political subdivision of the state under a lease, lease-sale, or rental-purchase agreement which grants possession of the vessel to the lessee for a period of 30 consecutive days or more.

(f) "Legal owner" is a person holding the legal title to a vessel under a conditional sales contract, the mortgagee of a vessel, or the renter or lessor of a vessel to the state, or to any county, city, district or political subdivision of the state, under a lease, lease-sale, or rental-purchase agreement which grants possession of the vessel to the lessee for a period of 30 consecutive days or more.

(g) "Registered owner" is the person registered by the Department of Motor Vehicles as the owner of the vessel.

(h) "Waters of this state" means any waters within the territorial limits of this state.

(i) "Person" means an individual, partnership, firm, corporation, association or other entity, but does not include the United States, the state or a municipality or subdivision thereof.

(j) "Operate" means to navigate or otherwise use a motorboat or vessel upon the waters of this state.

(k) "Undocumented vessel" means any vessel which is not required to have and does not have a valid marine document issued by the Bureau of Customs of the United States or any federal agency successor thereto.

SEC. 35. Section 652 of the Harbors and Navigation Code is amended to read:

652. (a) Motorboats subject to the provisions of this chapter shall be divided into four classes as follows:

Class A. Less than 16 feet in length.

Class 1. Sixteen feet or over and less than 26 feet in length.

Class 2. Twenty-six feet or over and less than 40 feet in length.

Class 3. Forty feet or over.

(b) Every motorboat in all weathers from sunset to sunrise shall carry and exhibit the following lights when underway, and during such time no other lights which may be mistaken for those prescribed shall be exhibited:

(1) Every motorboat of classes A and 1 shall carry the following lights:

First. A bright white light aft to show all around the horizon.

Second. A combined lantern in the forepart of the vessel and lower than the white light aft, showing green to starboard and red to port, so fixed as to throw the light from right ahead to two points abaft the beam on their respective sides.

(2) Every motorboat of classes 2 and 3 shall carry the following lights:

First. A bright white light in the forepart of the vessel as near the stem as practicable, so constructed as to show an unbroken light over an arc of the horizon of 20 points of the compass, so fixed as to throw the light 10 points on each side of the vessel; namely, from right ahead to two points aft the beam on either side.

Second. A bright white light aft to show all around the horizon and higher than the white light forward.

Third. On the starboard side a green light so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side. On the port side a red light so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the port side. The side light shall be fitted with inboard screens of sufficient height so set as to prevent these lights from being seen across the bow.

(3) Each motorboat of every class when propelled by sail alone shall carry only the combined lantern or separate side lights as appropriate to its class, and in addition, one white light at the stern so constructed that it shall show an unbroken light over an area of the horizon of 12 points of the compass so fixed as to show the light 6 points from right aft on each side of the vessel.

(4) Every white light prescribed by this section shall be of such character as to be visible at a distance of at least two miles. Every colored light prescribed by this section shall be

of such character as to be visible at a distance of at least one mile. The work "visible" in this subsection, when applied to lights, shall mean visible on a dark night with clear atmosphere.

(5) When propelled by sail and machinery any motorboat shall carry the lights required by this section for a motorboat propelled by machinery only.

(6) The department may exempt from compliance with the provisions of this subdivision any motorboat of one horsepower or less rented by the owner of a boat livery, if the livery is being operated under a franchise from a city or county on waters where no other vessels are permitted.

(c) Any vessel may carry and exhibit the lights required by the International Regulations for Preventing Collisions at Sea, 1960, Federal Act of September 24, 1963 (33 U.S.C. 1051–1053, 1061–1094) as amended, in lieu of the lights required by subdivision (b) of this section.

(d) Every motorboat of class 1, 2, or 3 shall be provided with an efficient whistle or other sound-producing mechanical appliance.

(e) Every motorboat of class 2 or 3 shall be provided with an efficient bell.

(f) Every undocumented vessel shall carry at least one life preserver, or ring buoy, or other device of the sort prescribed by the regulations of the department for each person on board, so placed as to be readily accessible; provided, that every undocumented vessel carrying passengers for hire shall carry so placed as to be readily accessible at least one life preserver of the sort prescribed by the regulations of the department for each person on board. For the purposes of this subdivision, a person water skiing from such vessel shall be considered a person on board.

(g) Every motorboat shall be provided with such number, size, and type of fire extinguishers, capable of promptly and effectually extinguishing burning gasoline, as may be prescribed by the regulations of the department, which fire extinguishers shall be at all times kept in condition for immediate and effective use and shall be so placed as to be readily accessible.

(h) The provisions of subdivisions (d), (e) and (g) of this section shall not apply to motorboats while competing in any race or, if such boats be designed and intended solely for racing, while engaged in such navigation as is incidental to the tuning up of the boats and engines for the race.

(i) Every motorboat shall have the carburetor or carburetors of every engine therein, except outboard motors, using gasoline as fuel, equipped with such efficient flame arrestor, backfire trap, or other similar device as may be prescribed by the regulations of the department.

(j) Every such motorboat and every such vessel, except open boats, using as fuel any liquid of a volatile nature, shall be provided with such means as may be prescribed by the regu-

lations of the department for properly and efficiently ventilating the bilges of the engines and fuel tank compartments so as to remove any explosive or inflammable gases.

(k) The department may make rules and regulations modifying the equipment requirements contained in this section to the extent necessary to keep these requirements in conformity with the provisions of the federal navigation laws or with the navigation rules promulgated by the United States Coast Guard.

(*l*) The department may establish and maintain for the operation of vessels on the waters of this state pilot rules in conformity with the pilot rules contained in the federal navigation laws or the navigation rules promulgated by the United States Coast Guard.

(m) No person shall operate or give permission for the operation of a vessel which is not equipped as required by this section or modification thereof.

SEC. 36. Section 652.5 of the Harbors and Navigation Code is amended to read:

652.5. The use of a distinctive blue light as prescribed by the department is reserved for law enforcement vessels and may be displayed during the day or night whenever the vessel may be engaged in direct law enforcement activities where identification of a law enforcement vessel is desirable or where necessary for safety reasons. This light when used shall be in addition to prescribed lights and day signals required by law. The display of such blue lights on vessels for other purposes is prohibited.

SEC. 37. Section 653 of the Harbors and Navigation Code is amended to read:

653. Every vessel less than 26 feet in length designed to be propelled by machinery as its principal source of power, shall, if manufactured or imported and offered for sale in this state, have affixed permanently thereto by the manufacturer or by the importer if not provided by the manufacturer a capacity plate as required by the regulations of the department. Any such rule or regulation shall be promulgated in accordance with the procedure provided in Chapter 4.5 (commencing with Section 11371), Part 1, Division 3, Title 2, of the Government Code. As used in this section, "manufacture" means to construct or assemble a vessel or alter a vessel in such a manner as to change its weight capacity.

This section applies only to vessels manufactured or imported and offered for sale after January 1, 1966.

A capacity plate shall bear the following information permanently marked thereon in such manner as to be clearly visible and legible from the position designed for or normally intended to be occupied by the operator of the vessel when underway:

(a) The total weight of persons, gear, including outboard motor, and other articles placed aboard which the vessel is capable of carrying with safety.

(b) The recommended number of persons commensurate with the weight capacity of the vessel and the presumed weight in pounds of each such person. In no instance shall such presumed weight per person be less than 150 pounds.

(c) Clear notice of the conditions under which the information appearing on the capacity plate is applicable and notice that the weight of the outboard motor and its associated equipment is considered to be part of total weight capacity.

(d) In case of an outboard motor, the maximum horsepower of the motor the vessel is designed or intended to accommodate.

The information relating to maximum capacity required to appear on capacity plates shall be determined in accordance with such methods and formulae as shall be prescribed by the department. In prescribing such methods and formulae, the department shall be guided by and give due regard to the necessity of uniformity in methods and formulae lawful for use in determining small vessel capacity in the several states and to any methods and formulae which may be recognized or recommended by the United States Coast Guard, or any agency successor thereto.

The form and specifications for such plates shall be as prescribed by the department.

The department may exempt any vessel from the requirements of this section if the department finds compliance with this section would not materially contribute to the safe operation of the vessel.

SEC. 38. Section 654.1 of the Harbors and Navigation Code is amended to read:

654.1. Boating facilities constructed with funds derived from the state shall be required as a condition for the receipt of such funds to provide shoreside facilities for purposes of emptying waste matter holding tanks from vessels in accordance with needs and standards as established by the department.

SEC. 39. Section 655 of the Harbors and Navigation Code is amended to read:

655. (a) No person shall operate any motorboat or vessel or manipulate any water skis, aquaplane or similar device in a reckless or negligent manner so as to endanger the life, limb, or property of any person. The department shall adopt regulations for the operation of motorboats or vessels, water skis, aquaplanes or similar devices in a manner which will minimize the danger to life, limb, or property consistent with reasonable use of the equipment for the purpose for which it was designed.

(b) No person shall operate any motorboat or vessel or manipulate any water skis, aquaplane or similar device while under the influence of intoxicating liquor or under the influence of any narcotic drug, barbiturate or marijuana.

SEC. 40. Section 658 of the Harbors and Navigation Code is amended to read:

658. (a) No person shall operate a vessel on any waters for towing a person or persons on water skis or an aquaplane or similar device unless there is in such vessel a person at least 12 years of age, in addition to the operator, in a position to observe the progress of the persons being towed.

This subdivision shall not apply to class A motorboats actually operated by the person or persons being towed and so constructed as to be incapable of carrying the operator in or on the motorboat. The department may establish rules and regulations governing the operation of any such watercraft, which rules and regulations shall provide the greatest degree possible for the safety of persons and vessels.

(b) No person shall operate a vessel on any waters of this state towing a person or persons on water skis, or aquaplane or similar device nor shall any person engage in water skiing, aquaplaning or other similar activity at any time between the hours from sunset to sunrise; provided, that such hours shall not apply to such waters of this state as to which prohibited hours for such activities are fixed by local ordinances, laws or regulations enacted pursuant to this chapter.

(c) The provisions of subdivision (a) and (b) of this section do not apply to a performer engaged in a professional exhibition or a person or persons engaged in any one of the following authorized activities on any waters of this state: a regatta, motorboat or other boat race, a marine parade, a tournament or an exhibition.

(d) No person shall operate or manipulate any vessel, towrope or other device by which the direction or location of water skis, an aquaplane or similar device may be affected or controlled in such a way as to cause the water skis, aquaplane or similar device or any person thereon to collide with or strike against any object or person. The provisions of this subdivision do not apply to collisions of two or more persons on water skis, aquaplanes or similar devices being towed by the same boat.

(e) No person shall operate water skis, an aquaplane or similar device in such a manner as to endanger the life, limb or property of any person.

SEC. 41. Section 659 of the Harbors and Navigation Code is amended to read:

659. The department may make rules and regulations for the uniform navigational marking of the waters of this state. Such rules and regulations shall not be in conflict with markings prescribed by the United States Coast Guard. No city, county, or person shall mark the waters of this state in any manner in conflict with the markings prescribed by the department.

SEC. 42. Section 660 of the Harbors and Navigation Code is amended to read:

660. (a) The provisions of this chapter, and of other applicable laws of this state, shall govern the operation, equipment,

and all other matters relating thereto whenever any motorboat or vessel shall be operated on the waters of this state, or when any activity regulated by this chapter shall take place thereon. Nothing in this chapter shall be construed to prevent the adoption of any ordinance, law, regulation or rule relating to vessels by any entity otherwise authorized by law to adopt such measures, including but not limited to any city, county, city and county, port authority or district; provided, however, that such measures relating to undocumented vessels shall pertain only to time-of-day restrictions, speed zones, special-use areas, and sanitation and pollution control, the provisions of which are not in conflict with the provisions of this chapter or the regulations adopted by the department. Such measures shall be submitted to the department prior to adoption and at least 30 days prior to the effective date thereof.

(b) The department is authorized to make special rules and regulations with reference to the operation of any motorboats or vessels on any body of water within the territorial limits of two or more cities, counties, cities and counties or other political subdivisions where no special rules or regulations exist or when required to establish uniformity in such special rules or regulations as the department may determine (1) are not uniform under local laws and (2) as to which uniformity is practicable and necessary.

(c) Any entity, including but not limited to any city, county, city and county, port authority or district, otherwise authorized by law to adopt measures governing the operation and equipment, and matters relating thereto, of motorboats or vessels, may adopt emergency rules and regulations which are not in conflict with the general laws of the state relating to motorboats and vessels using any waters within the jurisdiction of the entity if such rules and regulations are required to insure the safety of persons and property, because of disaster or other public calamity. Such emergency rules and regulations shall become effective immediately upon adoption and may remain in effect for not to exceed 60 days thereafter. Upon submission of such emergency rules and regulations to the department, the department may authorize the entity to make the emergency rules and regulations effective for such period of time greater than 60 days as is necessary in view of the disaster or circumstances.

SEC. 43. Section 663 of the Harbors and Navigation Code is amended to read:

663. Every peace officer of this state or of any city, county, city and county, or other political subdivision of the state shall enforce the provisions of this chapter and any regulations adopted by the department pursuant to this chapter and in the exercise of such duty shall have the authority to stop and board any vessel subject to this chapter.

SEC. 44. Section 663.5 of the Harbors and Navigation Code is amended to read:

663.5. Within the territorial limits of a county, city, or district, a harbor policeman regularly employed and paid as such by the county, city, or district shall also enforce the provisions of this chapter and any rules or regulations adopted by the department pursuant to this chapter.

In the exercise of his duties, a harbor policeman shall have the authority to stop any vessel subject to this chapter and to issue written notices to appear in court pursuant to Section 664. As used in Section 664, the term "officer" shall include a harbor policeman regularly employed and paid as such by a county, city, or district.

Every harbor policeman who is on duty for the purpose of enforcing the provisions of this chapter, and the rules and regulations adopted by the department pursuant to this chapter, shall wear a full distinctive uniform, and, if he uses a vessel, the vessel shall be painted a distinctive color and appropriately marked as specified by the department to identify it as a harbor police vessel.

SEC. 45. Section 664 of the Harbors and Navigation Code is amended to read:

664. (a) When any person is arrested for a violation of this chapter or any regulation adopted by the department pursuant to this chapter or any ordinance or local law relating to the operation and equipment of vessels, and such person is not immediately taken before a magistrate, the arresting officer shall prepare in duplicate a written notice to appear in court, containing the name and address of such person, the offense charged, and the time and place where and when such person shall appear in court

(b) The time specified in the notice to appear must be at least five (5) days after such arrest.

(c) The place specified in the notice to appear shall be either:

1. Before a judge of a justice court or a municipal court judge within the county in which the offense charged is alleged to have been committed and who has jurisdiction of the offense and who is nearest and most accessible with reference to the placed where the arrest is made; or

2. Upon demand of the person arrested, before a judge of a justice court or a municipal court judge having jurisdiction of such offense at the county seat of the county in which such offense is alleged to have been committed; or before a judge in the judicial district in which the offense is alleged to have been committed.

3. Before an officer authorized by the county, city or city and county, to receive a deposit of bail.

4. Before a judge of a justice court or a municipal court judge within 50 miles by the nearest road to the place of the alleged offense who has jurisdiction of the offense and whose judicial district contains any portion of the body of water upon which the offense charged is alleged to have been committed.

(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 shall 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 the Penal 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 the Penal 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.

SEC. 46. Section 667 of the Harbors and Navigation Code is amended to read:

667. In addition to any other court which may be a proper place of trial, any justice or municipal court within 50 miles by the nearest road to the place of the alleged offense having jurisdiction of the offense shall be a proper place of trial of any person on a charge of violation of this chapter or any regulation adopted by the department pursuant to this chapter or any ordinance or local law relating to the operation and equipment of vessels if the justice or municipal court district includes any portion of the body of water upon which the offense charged is alleged to have been committed.

SEC. 47. Section 668 of the Harbors and Navigation Code is amended to read:

668. (a) Any person who violates any provisions of Sections 652, 654, or 659 and any manufacturer or importer who violates Section 653 of this code or any regulations adopted by the department pursuant thereto is guilty of a misdemeanor and shall be subject to a fine of not to exceed fifty dollars ($50) or imprisonment in the county jail for not to exceed five days, or both, for each violation.

(b) Any person who violates any provisions of subdivision (a) or (b) of Section 658 of this code is guilty of a misdemeanor and shall be subject to a fine of not to exceed one hundred dollars ($100) for each violation.

(c) Any person who violates any provision of Sections 652 5, 655, 656, or subdivision (d) or (e) of Section 658 of this code or any special rules and regulations adopted by the department pursuant to the provisions of subdivisions (b) or (c) of Section 660 of this code is guilty of a misdemeanor and shall be subject to a fine of not to exceed five hundred dollars ($500) or imprisonment in the county jail for not to exceed six months, or both, for each violation.

SEC. 48. Section 669 of the Harbors and Navigation Code is amended to read:

669. The regulations adopted by the department pursuant to this chapter shall be adopted in accordance with the provisions of Chapter 4 5 (commencing with Section 11371), Part 1, Division 3, Title 2 of the Government Code.

SEC. 49. Article 2 (commencing with Section 680) of Chapter 5 of Division 3 of the Harbors and Navigation Code is repealed.

SEC. 50. Article 3 (commencing with Section 700) of Chapter 5 of Division 3 of the Harbors and Navigation Code is repealed.

SEC. 51. Article 4 (commencing with Section 750) of Chapter 5 of Division 3 of the Harbors and Navigation Code is repealed.

SEC. 52. The heading of Article 5 (commencing with Section 760) of Chapter 5 of Division 3 of the Harbors and Navigation Code is amended and renumbered to read:

Article 2. For-Hire Vessel Operators' Licenses

SEC. 53. Section 764 of the Harbors and Navigation Code is amended to read:

764. Upon application for an operator's license, the department shall require an examination of the applicant The department shall adopt rules and regulations establishing the requirements for the examination which will demonstrate to the department the applicant's competency in the operation of vessels

If an applicant presents a valid operator's license issued pursuant to the provisions of the Federal Motorboat Act of 1940 (Title 46, U S.C , Section 526f) or the federal act of May 10, 1956 (Title 46, U.S.C. 390–390g), the department may issue an operator's license without requiring an examination.

SEC 54. Section 767 of the Harbors and Navigation Code is amended to read:

767. An operator's license issued by the department pursuant to the provisions of this article shall be valid for five years from the date of issuance or renewal and may be renewed every five years thereafter unless suspended or revoked pur-

suant to Section 768. The department may adopt rules and regulations establishing the requirements for renewal of any license issued under this article, including therein requirements for acuity of vision, color sense and general physical condition.

SEC. 55 Section 770 of the Harbors and Navigation Code is amended to read:

770. The department may make rules and regulations to carry out the provisions of this article.

SEC. 56. 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 Navigation and Ocean Development 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. 57. Section 5003.6 is added to the Public Resources Code, to read:

5003.6. Whenever the department proposes to construct a boating facility within the state park system, the department shall forward such proposal to the Department of Navigation and Ocean Development, which shall have the responsibility for the planning and design of the facility.

SEC. 58. Section 5008 of the Public Resources Code is amended to read:

5008. The department shall protect the state park system from damage and preserve the peace therein.

The director may designate any officer or employee of the department a peace officer for the state park system. The primary duties of any such peace officer shall be the enforcement of the rules and regulations of the department, the provisions of Section 267 and Chapter 5 (commencing with Section 650) of Division 3 of the Harbors and Navigation Code, and the rules and regulations of the Department of Navigation and Ocean Development, and to arrest persons for the commission of public offenses within the state park system. The authority and powers of any such peace officer shall be limited to those conferred by law upon peace officers listed in Section 830.3 of the Penal Code.

Any person who violates the rules and regulations established by the department is guilty of a misdemeanor and upon conviction shall be punished by imprisonment in the county jail not exceeding 90 days, or by a fine not exceeding five hundred dollars ($500), or by both such fine and imprisonment.

SEC. 59. Section 5008.5 of the Public Resources Code is amended to read:

5008.5. In any prosecution charging a violation within any unit of the state park system of the rules and regulations of the department, the provisions of Section 267 or Chapter 5 (commencing with Section 650) of Division 3 of the Harbors and Navigation Code, or the rules and regulations of the Department of Navigation and Ocean Development, proof by the people of the State of California that the vehicle or vessel described in the complaint was parked, placed, or operated in violation of any provision of such statutes or rules and regulations together with proof that the defendant named in the complaint was, at the time of such parking, placing, or operating, the registered owner of the vehicle or vessel, shall constitute prima facie evidence that the registered owner of the vehicle or

vessel was the person who parked, placed, or operated the vehicle or vessel at the point where, and for the time during which, the violation occurred, but such proof that a person is the registered owner of a vehicle or vessel is not prima facie evidence that such person has violated any other provision of law. The above provisions shall apply only when there has been compliance with the procedure required by Section 41103 of the Vehicle Code Proof of a written lease of, or rental agreement for, a particular vehicle or vessel described in the complaint, on the date and time of such violation, which lease or rental agreement includes the name and address of the person to whom the vehicle or vessel is leased or rented, shall rebut the prima facie evidence that the registered owner was the person who parked, placed, or operated the vehicle at the time and place where the violation occurred.

Any charge under this section shall be dismissed when the person charged has made a bona fide sale or transfer of the vehicle or vessel and has delivered possession thereof to the purchaser and has complied with the requirements of subdivision (a) or (b) of Section 5602 of the Vehicle Code or with Section 9911 of the Vehicle Code prior to the date of the alleged violation and has advised the court of the name and address of the purchaser.

SEC. 60. Section 8352 of the Revenue and Taxation Code is amended to read:

8352. The money in the Motor Vehicle Fuel Fund is hereby appropriated, subject to the provisions of any budget bill heretofore or hereafter enacted and Section 11006 of the Government Code, as follows:

(a) To pay the refunds authorized in this part, including refunds due on account of judgments for the return of license taxes illegally collected.

(b) To the Controller, to carry out any duties imposed upon him by this part.

(c) To the board, to carry out any duties imposed upon it by this part.

(d) To the Highway Users Tax Fund, as provided in this chapter.

(e) To pay the pro rata share of the overhead and general administrative expense of the Controller and the board attributable to duties imposed by this part. The pro rata share is payable upon presentation of a claim against any appropriation from the Motor Vehicle Fuel Fund for the support of the Controller or the board, as the case may be.

(f) For transfer to the Aeronautics Fund, which fund is hereby created, all moneys in the Motor Vehicle Fuel Fund attributable to the distribution of motor vehicle fuel for use or used in propelling an aircraft in the state, for allocation as follows:

(1) To pay the refunds authorized by Section 8101.5.

(2) To pay the pro rata cost of the Controller and board under subdivisions (b), (c) and (e).

(3) To pay for the support of the Department of Aeronautics.

(4) For transfer of the balance remaining to the Airport Assistance Revolving Fund.

No part of the moneys in the Motor Vehicle Fuel Fund attributable to the distribution of motor vehicle fuel for use or used for propelling an aircraft in the state shall be appropriated, subject to the provisions of any subdivision heretofore or hereafter enacted and Section 11006 of the Government Code, or allocated, except in accordance with the provisions of this subdivision.

(g) To the Harbors and Watercraft Revolving Fund for expenditure in accordance with the provisions of Division 1 (commencing with Section 30) of the Harbors and Navigation Code, the sum of four million dollars ($4,000,000) per annum, commencing with the 1965–1966 fiscal year, this sum representing the amount of money in the Motor Vehicle Fuel Fund attributable to taxes imposed on distributions of motor vehicle fuel used or usable in propelling vessels. Payments pursuant to this subdivision shall be made prior to payments pursuant to subdivision (d). The Department of Public Works, after consultation with the Department of Navigation and Ocean Development, shall prepare or cause to be prepared a report setting forth the current estimate of the amount of money in the Motor Vehicle Fuel Fund attributable to taxes imposed on distributions of motor vehicle fuel used or usable in propelling vessels; and the Department of Public Works shall submit such report to the Legislature on or before the fifth legislative day of the 1970 Regular Session and each four (4) years thereafter.

SEC. 61. Division 3.5 (commencing with Section 9840) is added to the Vehicle Code, to read:

DIVISION 3.5. REGISTRATION AND TRANSFER OF VESSELS

CHAPTER 1. GENERAL PROVISIONS AND DEFINITIONS

9840. As used in this division, unless the context clearly requires a different meaning:

(a) "Vessel" includes every description of watercraft used or capable of being used as a means of transportation on water, except the following:

(1) A seaplane on the water.

(2) A watercraft specifically designed to operate on a permanently fixed course, the movement of which is restricted to or guided on such permanently fixed course by means of a mechanical device on a fixed track or arm to which the watercraft is attached or by which the watercraft is controlled, or by means of a mechanical device attached to the watercraft itself.

(b) "Owner" is a person having all the incidents of ownership, including the legal title, of a vessel whether or not

such person lends, rents, or pledges such vessel; the person entitled to the possession of a vessel as the purchaser under a conditional sale contract; or the mortgagor of a vessel. "Owner" does not include a person holding legal title to a vessel under a conditional sales contract, the mortgagee of a vessel, or the renter or lessor of a vessel to the state or to any county, city, district, or political subdivision of the state under a lease, lease-sale, or rental-purchase agreement which grants possession of the vessel to the lessee for a period of 30 consecutive days or more.

(c) "Legal owner" is a person holding the legal title to a vessel under a conditional sale contract, the mortgagee of a vessel, or the renter or lessor of a vessel to the state, or to any county, city, district or political subdivision of the state, under a lease, lease-sale, or rental-purchase agreement which grants possession of the vessel to the lessee for a period of 30 consecutive days or more.

(d) "Registered owner" is the person registered by the department as the owner of the vessel.

(e) "Waters of this state" means any waters within the territorial limits of this state.

(f) "Person" means an individual, partnership, firm, corporation, association or other entity, but does not include the United States, the state or a municipality or subdivision thereof.

(g) "Operate" means to navigate or otherwise use a motorboat or vessel upon the waters of this state.

(h) "Undocumented vessel" means any vessel which is not required to have and does not have a valid marine document issued by the Bureau of Customs of the United States or any federal agency successor thereto.

CHAPTER 2. REGISTRATION

9850. Every undocumented vessel using the waters of this state shall be numbered. No person shall operate or a county, city, or political subdivision give permission for the operation of any undocumented vessel on such waters unless the undocumented vessel is numbered in accordance with this chapter, or in accordance with applicable federal law, or in accordance with a federally approved numbering system of another state, and unless (1) the certificate of number issued to such undocumented vessel is in full force and effect, and (2) the identifying number set forth in the certificate of number is displayed on each side of the bow of such undocumented vessel.

9851. The department may promulgate rules and regulations for the registration of undocumented vessels belonging to the state, local public agencies, or to the United States without payment of any fee therefor.

9852. The department shall promulgate rules and regulations setting forth requirements relative to establishing proof of ownership to be submitted by the owner at the time of filing

initial application for a certificate of number and a certificate of ownership. The issuance of a certificate of ownership or certificate of number under this chapter shall not in any way be construed that the department is warranting or guaranteeing the title of the vessel as it appears on such certificates.

9853. The owner of each vessel requiring numbering by this state shall file an initial application for number with the department or with an agent authorized by the department on forms approved by the department. 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 prescribed by rules and regulations of the department 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 department.

9854. The owner of any vessel already covered by a number in full force and effect which has been issued to it pursuant to then operative federal law or a federally approved numbering system of another state shall make application within 30 days after the 90-day reciprocity period provided for in Section 9874. Such application shall be in a manner and pursuant to the procedure required for the issuance of a number under Section 9853.

9855. 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.

9856. (a) It is not required that the department issue, or that an application be made for a new certificate of ownership or a new certificate of number, or that the fee prescribed in Section 9855 be paid on transfer of an undocumented vessel

to a dealer in the course of his business as is otherwise provided in this division, provided that

(1) The vessel is held and operated by the dealer only for the purpose of resale in the course of his business;

(2) The dealer has been issued a sales permit by the Board of Equalization covering sale of such property; and

(3) The dealer shall, not later than the end of the next business day following such transfer, give written notice of purchase to the department upon an appropriate form provided by it.

(b) Upon receipt of the notice of purchase referred to in subdivision (a) the department shall issue a temporary certificate of number of such vessel in the name of the dealer as registered owner.

(c) The department shall notify the assessor of the county within which the dealer is located of such change of ownership.

(d) The certificate of ownership bearing the endorsement of the transferor to the dealer of a vessel registered pursuant to this section and the certificate of number thereof shall be retained by the dealer until a transfer of the vessel by him. During such time such certificates shall be subject to inspection by the department or other authorized agency. Upon transfer of the vessel by the dealer the certificate of ownership shall be endorsed by the dealer and transfer further accomplished as otherwise provided in this division.

9857. If an agency of the United States government shall have in force an overall system of identification numbering for undocumented vessels within the United States, the numbering system employed pursuant to this chapter shall be in conformity therewith.

9858. The department may issue any certificate of ownership and certificate of number or temporary certificate of number directly or the department may authorize any person to act as agent for the issuance of a certificate of number or temporary certificate of number. If a person accepts such authorization, he may be assigned a block of numbers which upon issuance, in conformity with this chapter and with any rules and regulations of the department, shall be valid as if issued directly by the department. Registration of vessels pursuant to the provisions of this code shall be conducted by the department or by any agent authorized by the department to conduct such registration.

9859. All money received by an agent from the sale of certificates of number or temporary certificates of number shall be kept separate and apart from any other funds of the agent, and shall at all times belong to the state.

In case of an assignment for the benefit of creditors, receivership, or bankruptcy, the state shall have a preferred claim against the agent, receiver, or trustee for all moneys owing the state for the sale of certificates as provided in this

code, and shall not be estopped from asserting such claim by reason of the commingling of funds or otherwise.

9860. 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.

9861. All certificates of number expire on December 31, 1968, and on December 31st of every third year thereafter regardless of when such certificates are initially issued.

9862. If the initial application for number is not received by the department on or before the date set by the department a penalty of one-half the fee shall be assessed. If a certificate of number is not renewed on or before the date on which it expires a penalty of one-half the fee shall be assessed, except where the vessel has not been used on the waters of the state subsequent to the expiration date.

9863. (a) Except as provided in subdivision (b) of this section, all fees received, except moneys collected under Section 9875, pursuant to this chapter shall be deposited in the Harbors and Watercraft Revolving Fund and are appropriated for the administration of this chapter. Any of such money in the Harbors and Watercraft Revolving Fund in excess of the amount determined by the Director of Finance, from time to time, to be necessary for expenditure for the administration of this chapter shall be available for expenditure in accordance with Section 85.2 of the Harbors and Navigation 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 of the Harbors and Navigation Code 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 the Harbors and Navigation Code.

9864. The owner shall furnish the department notice of the wrecking or junking, or the destruction or abandonment of such undocumented vessel within 15 days thereof. Such wrecking, junking, destruction or abandonment shall terminate the certificate of ownership and certificate of number of such undocumented vessel which if in existence shall be surrendered to the department.

The department, upon receiving notice of the abandonment of an undocumented vessel, or upon an official determination that an undocumented vessel has been abandoned, may order the destruction of such vessel at the expiration of 30 days if an investigation by the department has disclosed that no owner,

legal owner, or lienholder claims an interest in such vessel, or if such persons have waived their interest. Nothing in this section shall be construed to deny the legal rights, otherwise provided for by law, of any person claiming an interest in an abandoned vessel if such person notifies the department within the time specified therefor.

9865. Any holder of a certificate of number shall notify the department within 30 days, if his address no longer conforms to the address appearing on the certificate and shall, as part of such notification, furnish the department with his new address. The department may provide for the surrender of the certificate bearing the former address and its replacement with a certificate bearing the new address or for the alteration of an outstanding certificate to show the new address of the holder.

9866. No number other than the number issued to an undocumented vessel or granted reciprocity pursuant to this chapter shall be painted, attached, or otherwise displayed on either side of the bow of such undocumented vessel.

9867. A fee of one dollar ($1) shall be charged for a copy of certificate of number, certificate of ownership, or any application filed pursuant to this chapter.

9868. Fees received pursuant to this chapter are appropriated for payment of refunds of money received or collected in the payment of fees, permits, or services whenever the fee, permit or service cannot lawfully be issued or rendered to the applicant, and in cases where the payment in whole or in part represents overpayment or payment in duplicate.

9869. The department shall transmit information from each initial application and each transfer application or renewal application to the county assessor in the county of residence of the owner of the vessel and to the county assessor in the county in which the vessel is principally kept if other than the county of residence of the owner, if such other county is known to the department. If an application shows that the owner of the vessel has changed his residence from one county to another county or shows that there has been a change in the county in which the vessel is principally kept, the department shall transmit information of the change to the assessor of the county in which the owner of the vessel formerly resided or to the assessor of the county in which the vessel formerly was principally kept. After the department receives a notice pursuant to Section 9864, the department shall transmit information of the destruction or abandonment to the assessor of the county in which the owner of the vessel resides and to the assessor of the county in which the vessel is or was principally kept, if other than the county of residence of the owner, if such other county was known to the department.

9870. A nonprofit corporation organized solely for charitable purposes pursuant to Part 1 (commencing with Section 9000) or Part 3 (commencing with Section 10200), Division 2, Title 1 of the Corporations Code, which purposes relate to

promoting the ability of boys and girls to do things for themselves, to train them in scoutcraft and camping, and to teach them patriotism, courage, self-reliance and kindred virtues, shall not be required to pay the fees provided for in Sections 9853, 9855, 9860, and 9867.

9871. Upon application for original registration or transfer of registration of an undocumented vessel, the department may assign an appropriate builder's hull number to such vessel whenever there is no builder's hull number thereon, or when a builder's hull number thereon has been destroyed or obliterated; and such builder's hull number shall be permanently marked in an integral part of the hull which is accessible for inspection.

9872. No person shall intentionally deface, destroy, or alter the builder's hull number of a vessel required to be numbered under this chapter, without written authorization from the department; nor shall any person place or stamp any serial or other number or mark upon an undocumented vessel which might interfere with identification of the builder's hull number. This does not prohibit the restoration by an owner of an original number or mark when the restoration is authorized by the department, nor prevent any manufacturer from placing in the ordinary course of business numbers or marks upon new vessels or new parts thereof.

9873. An undocumented vessel shall not be required to be numbered under this chapter if it is:

(a) Already covered by a number in full force and effect which has been issued to it pursuant to federal law or a federally approved numbering system of another state; provided, that such undocumented vessel shall not have been within this state for a period in excess of 90 consecutive days.

(b) A vessel from a country other than the United States temporarily using the waters of this state.

(c) A public vessel of the United States, another state or subdivision thereof or municipality of such other state.

(d) A ship's lifeboat.

(e) Any vessel belonging to a class of boats which has been exempted from numbering by the department after the department has found that the numbering of vessels of such class will not materially aid in their identification; and, if any agency of the federal government has a numbering system applicable to the class of vessels to which the vessel in question belongs, after the department has further found that the vessel would also be exempt from numbering if it were subject to the federal law. An undocumented vessel propelled solely by an electric motor of one horsepower or less operated commercially by a boat livery under a franchise from a city, city and county, or county; an undocumented vessel propelled solely by oars or paddles; and an undocumented vessel eight feet or less propelled solely by sail, is exempt from the provisions of this chapter.

9874. The department may suspend, cancel, or revoke the registration of a vessel, a certificate of number, sticker, certificate of ownership, or temporary certificate of number in any of the following cases:

(a) When the department is satisfied that the registration or the certificate of number, sticker, certificate of ownership, or temporary certificate of number was fraudulently obtained or erroneously issued.

(b) When the department determines that the required fee has not been paid and the same is not paid upon reasonable notice and demand.

9875. Any person who violates any provision of this chapter or any rule or regulation of the department is guilty of a misdemeanor and shall be subject to a fine of not to exceed fifty dollars ($50) or imprisonment in the county jail for not to exceed five days, or both, for each violation.

CHAPTER 3. TRANSFER OF TITLE OR INTEREST IN UNDOCUMENTED VESSEL

9900. No transfer of the title or any interest in or to an undocumented vessel numbered under this code shall pass, and any attempted transfer shall not be effective, until the parties thereto have fulfilled either of the following requirements:

(a) The transferor has made proper endorsement and delivery of the certificate of ownership and delivery of the certificate of number to the transferee as provided in this code and the transferee has delivered to the department or has placed the certificates in the United States mail addressed to the department when and as required under this code with the proper transfer fee and thereby makes application for a new certificate of ownership and a new certificate of number.

(b) The transferor has delivered to the department or has placed in the United States mail addressed to the department the appropriate documents for the transfer of ownership of the vessel pursuant to the sale or transfer except as otherwise provided.

9901. Whenever any person has received as transferee a properly endorsed certificate of ownership and the certificate of number of the vessel described in the certificates, he shall within 10 days thereafter file the certificates accompanied by a fee of three dollars ($3) with the department, and thereby make application for a certificate of ownership and certificate of number.

9902. The department, upon receipt of a properly endorsed certificate of ownership and the certificate of number of the vessel described in the certificate and a new application form and the required fee, shall issue a new certificate of ownership and a new certificate of number in the same manner as provided for in the initial issuance of number and the number may be reassigned to the new owner, provided, however, in the case of a transfer of a part interest which does not affect the

owner's right to operate such undocumented vessel such transfer shall not terminate the certificate of number.

9903. (a) Prior to the issuance of any certificate of ownership the department shall obtain a statement in writing, signed by the transferee or transferor, showing:

(1) The date of the sale or other transfer of ownership of the vessel.

(2) The name and address of the seller or transferor.

(3) The name and address of the buyer or transferee.

(4) The total consideration (valued in money) given for the sale or other transfer of the vessel, including any motor or other component part of the vessel included in the sale or other transfer.

(b) Upon the transfer of ownership of a vessel the department shall forward to the State Board of Equalization information from its records identifying the vessel together with the data required by subdivision (a). The information shall be transmitted as promptly as feasible and in such form and manner as shall be agreed between the department and the board.

9904. Section 9900 does not apply to involuntary transfers, as upon the taking of possession by a secured party under a security agreement, or to transfers involving security interests.

9905. An owner who has made a bona fide sale or transfer of an undocumented vessel and has delivered possession thereof to a purchaser shall not by reason of any of the provisions of this code or of the Harbors and Navigation Code be deemed the owner of the vessel so as to be subject to civil liability for the operation of the vessel thereafter by another when the owner in addition to the foregoing has fulfilled either of the following requirements:

(a) When he has made proper endorsement and delivery of the certificate of ownership and delivered the certificate of number as provided in this code, or

(b) When he has delivered to the department or has placed in the United States mail, addressed to the department, either the notice as provided in Section 9911 and Section 9912 or appropriate documents for transfer of the vessel pursuant to the sale or transfer.

9906. A legal owner may assign his title or interest in or to an undocumented vessel numbered under this code to a person other than the owner without the consent of and without affecting the interest of the owner.

9907. Upon transfer of the title or any interest of the legal owner or legal owners in an undocumented vessel numbered under this code, the transferor shall write his signature, and the transferee shall write his signature and address, in the appropriate spaces provided upon the reverse side of the certificate of ownership issued for the vessel.

9908. Upon transfer of the title or interest or any part thereof of the registered owner only in an undocumented vessel numbered under this code, the registered owner shall write his

signature and address and the transferee shall write his signature and address in the appropriate spaces provided on the reverse side of the certificate of ownership for the vessel, and the legal owner shall write his signature in the space provided for the new legal owner indicating that he is to retain his legal title and interest.

9909. When the required certificate of ownership is lost, stolen, damaged, or mutilated, application for transfer may be made upon a form provided by the department for a duplicate certificate of ownership. The transferor shall write his signature and address in the appropriate spaces provided upon the application and file the same together with the proper fees for duplicate certificate of ownership and transfer.

9910. It is unlawful for any person to fail or neglect to deliver the certificate of number and, when having possession, to properly endorse, date, and deliver the certificate of ownership to a transferee who is lawfully entitled to a transfer of ownership.

9911. Whenever the owner of an undocumented vessel numbered under this code sells or transfers his title or interest in, or any part thereof, and delivers the possession of, the vessel to another, the owner shall within five days thereafter notify the department of the sale or transfer giving the date thereof, the name and address of the owner and of the transferee and such description of the vessel as may be required in the appropriate form provided for such purpose by the department.

9912. Every dealer upon transferring by sale, lease or otherwise any undocumented vessel, whether new or used, required to be numbered under this code, shall, not later than the end of the next business day of the dealer, give written notice of the transfer to the department upon an appropriate form provided by it, but a dealer need not give the notice when selling or transferring a new unnumbered vessel to another dealer.

9913. When a security interest upon a numbered vessel is satisfied, canceled, or released by the parties thereto who are the registered owner and legal owner respectively of said vessel and thereafter within a period of 10 days a new security interest covering the vessel is executed between the same parties, no application for transfer of ownership by reason thereof shall be made, no new certificate of ownership or certificate of number shall be issued, and all provisions of this code relating to transfers of any title or interest in a vessel shall be deemed to have been fully complied with.

9914. The transferee of a security interest in the interest of a legal owner of a numbered vessel need not make application for a transfer of ownership when the security interest arises from a pledge of security agreement by the legal owner to the pledgee.

9915. (a) Whenever the title or interest of any owner or legal owner in or to a vessel numbered under this code passes to another otherwise than by a voluntary transfer, the new

owner or legal owner may obtain a transfer of ownership upon application therefor and upon presentation of the last certificate of ownership and certificate of number issued for the vessel, if available, and any instruments or documents of authority or certified copies thereof as may be required by the department, or required by law, to evidence or effect a transfer of title or interest in or to chattels in such case.

(b) The department when satisfied of the genuineness and regularity of the transfer shall give notice by mail to the owner and legal owner of the vessel as shown by the records of the department, and five days after the giving of the notice, if still satisfied of the genuineness and regularity of such transfer, shall transfer the ownership of the vessel accordingly and issue a new certificate of ownership and certificate of number to the person or persons entitled thereto.

9916. Upon the death of an owner or legal owner of any vessel numbered under this code without the decedent leaving other property necessitating probate, the surviving husband or wife or other heir in the order named in Section 630 of the Probate Code, unless the vessel is by will otherwise bequeathed, and if the value of the vessel is three thousand dollars ($3,000) or less, may secure a transfer of ownership of the title or interest of the deceased upon presenting to the department the appropriate certificate of ownership and certificate of number, if available, and a certified statement of the person setting forth the fact of survivorship or heirship, and the names and addresses of any other heirs, and, if required by the department, a certificate of the death of the deceased, together with a statement that there are no creditors of the deceased or, if so, that the creditors of the deceased have been paid in full or the claims have been otherwise discharged.

9917. Whenever application is made to the department for a transfer of ownership of a vessel to a new owner or legal owner and the applicant is unable to present the certificate of ownership or certificate of number issued for the vessel by reason of the same being lost or otherwise not available, the department may receive the application and examine into the circumstances of the case and may require the filing of affidavits or other information, and when the department is satisfied that the applicant is entitled to a transfer of ownership, the department may transfer the ownership of the vessel, and issue a new certificate of ownership, and certificate of number to the person or persons found to be entitled thereto.

9918. If the application for a transfer is made in the manner provided in this code the department shall not be required to withhold the transfer of any right, title or interest in or to a vessel if the application on its face appears to be genuine and regular and the department has received neither a request from any law enforcement agency that action on the application be deferred nor an order of a court of the United States or of the State of California restraining the transfer within two years prior thereto.

9919. No security interest in any vessel numbered under this code, irrespective of whether such number was effected prior or subsequent to the creation of such security interest, is perfected, until the secured party, or his successor or assignee, has deposited with the department a properly endorsed certificate of ownership to the vessel, subject to the security interest, showing the secured party as legal owner if the vessel is then numbered under this code; or if the vessel is not so numbered, the owner shall file an initial application for number as provided for in this code, and the certificate of ownership issued under said application shall contain the name and address of the legal owner.

9920. When the secured party, his successor or assignee, has deposited with the department a properly endorsed certificate of ownership showing the secured party as legal owner, or if the vessel is not numbered when the owner shall file an initial application for number as provided for in this code, and the certificate of ownership issued under said application shows said secured party as the legal owner, and said certificate of ownership is deposited with the department, the deposit constitutes perfection of the security interest.

9921. Upon the deposit with the department of the certificate of ownership showing the secured party as legal owner as provided in Section 9919 hereof, the department shall on its records show the secured party, his successor or assignee, as legal owner with respect to such vessel.

9922. The method provided in this chapter for perfecting a security interest in a vessel numbered under this code is exclusive.

9923. In the absence of the regularly required supporting evidence of ownership upon application for registration or transfer of a vessel, the department may accept an undertaking or bond in the amount of the fair market value of the vessel at the time of the application, as determined by the department, which shall be conditioned to protect the department and all officers and employees thereof and any subsequent purchaser of the vessel, any person acquiring a lien or security interest thereon, or the successor in interest of such purchaser or person, against any loss or damage on account of any defect in or undisclosed claim upon the right, title, and interest of the applicant or other person in and to the vessel.

9924. Any interested person shall have a right of action to recover on any such bond or undertaking for any breach of the conditions for which the same was deposited but the aggregate liability of the surety to all such persons shall in no event exceed the amount of the bond In the event the vessel is no longer registered in this state and the currently valid certificate of ownership is surrendered to the department or the vessel has been destroyed or lost, the bond or undertaking shall be returned and surrendered after three years

SEC. 62 Chapter 1 5 (commencing with Section 10550) is added to Division 4 of the Vehicle Code, to read:

CHAPTER 1.5. REPORTS OF STOLEN VESSELS

10550. As used in this chapter, unless the context clearly requires a different meaning:

(a) "Vessel" includes every description of watercraft used or capable of being used as a means of transportation on water, except the following:

(1) A seaplane on the water.

(2) A watercraft specifically designed to operate on a permanently fixed course, the movement of which is restricted to or guided on such permanently fixed course by means of a mechanical device on a fixed track or arm to which the watercraft is attached or by which the watercraft is controlled, or by means of a mechanical device attached to the watercraft itself.

(b) "Owner" is a person having all the incidents of ownership, including the legal title, of a vessel whether or not such person lends, rents, or pledges such vessel; the person entitled to the possession of a vessel as the purchaser under a conditional sale contract; or the mortgagor of a vessel. "Owner" does not include a person holding legal title to a vessel under a conditional sales contract, the mortgagee of a vessel, or the renter or lessor of a vessel to the state or to any county, city, district, or political subdivision of the state under a lease, lease-sale, or rental-purchase agreement which grants possession of the vessel to the lessee for a period of 30 consecutive days or more.

(c) "Legal owner" is a person holding the legal title to a vessel under a conditional sale contract, the mortgagee of a vessel, or the renter or lessor of a vessel to the state, or to any county, city, district or political subdivision of the state, under a lease, lease-sale, or rental-purchase agreement which grants possession of the vessel to the lessee for a period of 30 consecutive days or more.

(d) "Person" means an individual, partnership, firm, corporation, association or other entity, but does not include the United States, the state or a municipality or subdivision thereof.

(e) "Undocumented vessel" means any vessel which is not required to have and does not have a valid marine document issued by the Bureau of Customs of the United States or any federal agency successor thereto.

10551. Every peace officer upon receiving a report based on reliable information that any undocumented vessel numbered under this code has been lost or stolen shall not later than 48 hours after receiving such information report the theft or loss to the department, and such peace officer upon receiving information of the recovery of any such vessel which he has previously reported as stolen or lost, shall immediately report the fact of the recovery to the department.

10552. It is unlawful for any person to make or file a false or fraudulent report of the theft of an undocumented vessel

required to be numbered under this code with any law enforcement agents with intent to deceive.

10553. The owner or legal owner of a vessel numbered under this code which has been stolen or embezzled may notify the department of the theft or embezzlement, but in the event of an embezzlement may make the report only after having procured the issuance of a warrant for the arrest of the person charged with such embezzlement. Every owner or legal owner who has given any such notice shall notify the department of a recovery of the vessel.

10554. The department, upon receiving a report of a lost, stolen or embezzled vessel numbered under this code, shall make the appropriate designation on the record of such vessel in the files of the department. The designations shall remain on the records of such vessel until such time as the department has received notification by the owner or legal owner of such vessel that the vessel has been recovered. Such designations regarding a report of a stolen or embezzled vessel shall remain on the records of such vessel for a period of one year or until the notification of recovery thereof has been received by the department, whichever is sooner.

SEC. 63. Article 5 (commencing with Section 330) of Chapter 2 5 of Division 1 of the Water Code is repealed

SEC. 64. Section 11910 of the Water Code is amended to read:

11910. There shall be incorporated in the planning and construction of each project such features (including, but not limited to, additional storage capacity) as the department, after giving full consideration to any recommendations which may be made by the Department of Fish and Game, the Department of Parks and Recreation, the Department of Navigation and Ocean Development, any federal agency, and any local governmental agency with jurisdiction over the area involved, determines necessary or desirable for the preservation of fish and wildlife, and necessary or desirable to permit, on a year-round basis, full utilization of the project for the enhancement of fish and wildlife and for recreational purposes to the extent that such features are consistant with other uses of the project, if any. It is the intent of the Legislature that there shall be full and close coordination of all planning for the preservation and enhancement of fish and wildlife and for recreation in connection with state water projects by and between the Department of Water Resources, the Department of Parks and Recreation, the Department of Navigation and Ocean Development, the Department of Fish and Game, and all appropriate federal and local agencies.

SEC. 65. Section 11910.1 of the Water Code is amended to read:

11910.1. In furtherance of the policies specified in Section 11910, the Department of Fish and Game, the Department of Parks and Recreation, the Department of Navigation and Ocean Development, and other governmental agencies shall

submit their recommendations or comments on reconnaissance studies or feasibility reports of the Department of Water Resources relating to any project or feature of a project within 60 days following receipt of a formal request for review from the Department of Water Resources.

SEC. 66. Section 11912 of the Water Code is amended to read:

11912. The department, in fixing and establishing prices, rates, and charges for water and power, shall include as a reimbursable cost of any state water project an amount sufficient to repay all costs incurred by the department, directly or by contract with other agencies, for the preservation of fish and wildlife and determined to be allocable to the costs of the project works constructed for the development of such water and power, or either. Costs incurred for the enhancement of fish and wildlife or for the development of public recreation shall not be included in the prices, rates, and charges for water and power, and shall be nonreimbursable costs.

It shall be the duty of the department to report annually to the Legislature the costs, if any, which the department has allocated to recreation and fish and wildlife enhancement for each facility of any state water project. The department shall also report to the Legislature any revisions which the department makes in such allocations.

The department shall submit each such cost allocation to the Department of Navigation and Ocean Development, the Department of Parks and Recreation, and to the Department of Fish and Game The Department of Navigation and Ocean Development, the Department of Parks and Recreation, and the Department of Fish and Game shall file with the Department of Water Resources their written comments with respect to each such cost allocation, which written comments shall be included in the report required by this section.

The allocations or revised allocations reported to the Legislature shall become effective for the purposes of Section 11915 upon approval by the Legislature.

It shall also be the duty of the department to report to the Legislature on any expenditure of funds for acquiring rights-of-way, easements and property pursuant to Section 346 for recreation development associated with such facilities. For the purposes of Section 11915 such expenditures shall become approved in the same manner as provided above with respect to cost allocations.

SEC. 67. Section 11918 of the Water Code is amended to read:

11918. The Department of Parks and Recreation is authorized to design, construct, operate, and maintain public recreation facilities at state water projects, with the exception of the planning and design of boating facilities, which shall be the responsibility of the Department of Navigation and Ocean Development. Before commencing the construction of any such facilities, the Department of Parks and Recreation shall submit

the plans and designs of such facilities to the local governmental agencies having jurisdiction over the area involved. The Department of Parks and Recreation shall make every effort to fulfill its responsibilities under this section by entering into contracts with the United States, local public agencies, or other entities, to the end that maximum development of the recreational potential of state water projects shall be realized. The Department of Parks and Recreation shall have the authority to establish and enforce standards for the development, operation, and maintenance of such public recreation areas.

The design, construction, operation, and maintenance of public recreation facilities at state water projects, and the management of project lands and water surfaces for recreational use, shall be subject to the approval of the Department of Water Resources to ensure that they shall not defeat or impair the orderly operation of any state water project for its other authorized purposes and the accomplishment of such purposes.

SEC. 68. In the event any other act or acts of the 1970 Regular Session of the Legislature has any effect on any section of any code or statute affected by this act, the provisions of such act or acts shall prevail over the conflicting provisions of this act.

SEC. 69. It is the intent of the Legislature in enacting this measure to incorporate into law by statute, without substantive change, the Governor's Reorganization Plan No. 2 of 1969, dated March 5, 1969, together with such additional changes as were effected by the Legislature at its 1969 session.

CHAPTER 1429

An act relating to studying police-community relations, and making an appropriation therefor.

[Approved by Governor September 18, 1970. Filed with Secretary of State September 18, 1970.]

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

SECTION 1. The sum of twenty thousand dollars ($20,000) is hereby appropriated from the General Fund to the Attorney General of California, for the purpose of carrying out a study of police-community relations as requested by the first three resolved clauses of House Resolution No. 153 of the 1969 Regular Session of the Legislature (A.J. (March 28, 1969), pp. 1473–1474).

The Attorney General shall report his findings, conclusions, and recommendations as a result of such study to the Legislature not later than the fifth legislative day of the 1972 Regular Session of the Legislature.

CHAPTER 1430

An act to add Section 2954.5 to the Civil Code, relating to mortgages.

[Approved by Governor September 18, 1970. Filed with Secretary of State September 18, 1970.]

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

SECTION 1. Section 2954.5 is added to the Civil Code, to read:

2954.5. (a) Before the first default, delinquency, or late payment charge may be assessed by any lender on a delinquent payment of a loan, other than a loan made pursuant to Section 22466 of the Financial Code, secured by real property, and before the borrower becomes obligated to pay such a charge, the borrower shall either (1) be notified in writing and given at least six days from mailing of such notice in which to cure the delinquency, or (2) be informed, by a billing or notice sent for each payment due on the loan, of the date after which such a charge will be assessed.

The notice provided in either paragraph (1) or (2) shall contain the amount of the late payment or the method by which it is calculated.

(b) If a subsequent payment becomes delinquent the borrower shall be notified in writing, before the late charge is to be imposed, that the charge will be imposed if payment is not received, or the borrower shall be notified at least semiannually of the total amount of late charges imposed during the period covered by the notice.

(c) Notice provided by this section shall be sent to the address specified by the borrower, or, if no address is specified, to the borrower's address as shown in the lender's records.

(d) In case of multiple borrowers obligated on the same loan, a notice mailed to one shall be deemed to comply with the provisions of this section.

The provisions of this section shall only affect loans made on and after January 1, 1971.

CHAPTER 1431

An act to amend Sections 11520, 22702, 22705, 22855, 22856, and 42001 of, to add Sections 22854.5 and 42001.5 to, the Vehicle Code, relating to vehicles.

[Approved by Governor September 18, 1970. Filed with Secretary of State September 18, 1970.]

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

SECTION 1. Section 11520 of the Vehicle Code is amended to read:

11520. (a) Any licensed automobile dismantler who obtains actual possession as a transferee of a vehicle subject to registration hereunder for the purpose of dismantling, shall within 72 hours, exclusive of Saturdays, Sundays and holidays set forth in Sections 6700 and 6701 of the Government Code, forward notification on an appropriate form, to the department at its headquarters in Sacramento, of acquiring such vehicle and at the same time a copy of such form shall be forwarded to the California Highway Patrol at its headquarters in Sacramento and to local enforcement agencies when required by local ordinance.

(1) A period of seven days, exclusive of Saturdays, Sundays, and holidays set forth in Sections 6700 and 6701 of the Government Code, shall elapse following the forwarding of the notification before the dismantling shall begin, unless earlier permission has been received from the department as provided in subdivision (b) of this section. Vehicles acquired under the provisions of Section 3072 of the Civil Code shall not be dismantled until permission has been received from the department.

This subdivision shall not apply if the dismantler complies with subdivision (b) within 24 hours from the time of obtaining actual possession of such vehicle as a transferee, exclusive of Saturdays, Sundays and holidays set forth in Sections 6700 and 6701 of the Government Code, nor shall it apply to any vehicle received pursuant to subdivision (b) of Section 11515 or 22705 of this code or Section 3073 of the Civil Code.

(b) Any person desiring to dismantle any vehicle subject to registration hereunder shall surrender to the department the report as required, the certificate of ownership, registration card, and the license plate or plates last issued therefor, and thereby make application for a transfer of ownership. Such person shall not dismantle the vehicle until permission has been received from the department, except as provided in this section.

(1) When the department has received the report when required, the certificate of ownership from such person, the registration card and last issued license plate or plates as required herein, the transfer shall be deemed complete and no transfer fee or prior unpaid transfer fee shall be paid.

(2) When the transferee is an automobile dismantler who acquired the same for the purpose of dismantling, he shall not be required to file an affidavit of nonoperation nor be required to pay fees as would otherwise be required if such vehicle were to be registered for operations on the highways.

(c) Automobile dismantlers licensed hereunder shall maintain a record of all vehicles acquired for dismantling, which shall contain the name and address of the person from whom such vehicle was purchased or acquired and the date thereof, the registration number last assigned to the vehicle and a brief description of the vehicle, including insofar as the hereinafter specified data may exist with respect to a given vehicle,

the make, type, serial number and the identifying number used for registration purposes.

(1) Within 90 days of the date of taking possession, a licensed automobile dismantler shall surrender, or show diligent effort to secure and surrender to the department the documents evidencing ownership, and the license plates last issued for each vehicle acquired for dismantling purposes. A certificate of license plate destruction, when authorized by the director, may be submitted in lieu of the surrender of the license plates.

(d) It shall be prima facie evidence that an identifiable vehicle in a dismantled condition has been so partially dismantled by the person having possession thereof.

(e) Any person who violates this section is guilty of a misdemeanor. Any person not licensed under the provisions of this chapter who is convicted under this section shall be punished upon a first conviction by imprisonment in the county jail for not less than five days nor more than six months or by a fine of not less than fifty dollars ($50) nor more than five hundred dollars ($500) or by both such fine and imprisonment and upon a second or any subsequent conviction by imprisonment in the county jail for not less than 30 days nor more than one year or by a fine of not less than two hundred fifty dollars ($250) nor more than one thousand dollars ($1,000) or by both such fine and imprisonment.

SEC. 2. Section 22702 of the Vehicle Code is amended to read:

22702. (a) Any member of the California Highway Patrol or any regularly employed and salaried deputy sheriff or other employee of the county designated to perform this function by the board of supervisors in which a vehicle is located or any regularly employed and salaried police officer or other employee of the city designated to perform this function by the city council, in which a vehicle is located who has reasonable grounds to believe that the vehicle has been abandoned, may remove the vehicle from a highway or from public or private property.

(b) Any member of the California State Police who has reasonable grounds to believe that a vehicle has been abandoned upon property owned by the state, or rented or leased from others by the state, or property of a district agricultural association as to which the California State Police is providing policing services, may remove the vehicle from such property.

(c) Any regularly employed and salaried officer or other employee of the University of California Police Department who has reasonable grounds to believe that a vehicle has been abandoned on a campus or in or about other grounds or properties owned, operated, controlled or administered by the Regents of the University of California may remove the vehicle from such property.

(d) Any policeman appointed or employed by the board of directors of a regional park district who has reasonable grounds

to believe that a vehicle has been abandoned upon property owned by the regional park district or rented or leased from others by the regional park district, may remove the vehicle from such property.

(e) The public agency employing the officer shall make an appraisal of any such vehicle either prior to or within five days after removal.

(f) A county or city employee, other than an employee of a sheriff's department or a city police department, designated to remove vehicles pursuant to this section may do so only after he has mailed or personally delivered a written report identifying the vehicle and its location to the office of the Department of the California Highway Patrol located nearest to the vehicle.

SEC. 3. Section 22705 of the Vehicle Code is amended to read:

22705. If the vehicle is appraised at a value not exceeding one hundred dollars ($100), the public agency which removed the vehicle shall:

(a) Within 48 hours after appraisal notify the Department of California Highway Patrol in Sacramento of the removal of such vehicle.

(b) Prepare a certificate which shall describe the vehicle including the location of any license plates thereon, state the appraised value and that the vehicle will be junked or dismantled, and indicate that;

(1) Notice of intent to junk or dismantle the vehicle has been mailed to the registered and legal owners at the address of record with the department, or

(2) The owner has signed a release under penalty of perjury disclaiming any future interest, which release shall be included with the certificate.

In the event the owner has not signed a release and has not, within 15 days after official notification, reclaimed the vehicle such action shall constitute a waiver of interest and the vehicle may be disposed of.

(3) The vehicle is in such condition that vehicle identification numbers are not available to determine owners of record with the department, in which event the vehicle may be disposed of.

(c) Upon completion of the certificate, execute and deliver a bill of sale free of any lien for fees and penalties due and payable to the department together with a copy of the certificate to either the lienholder who shall endorse the bill of sale to a licensed automobile dismantler, or to the licensed automobile dismantler, or to the public agency for disposal, whichever has the vehicle in possession.

Within three days after completion of the certificate, the person or public agency in possession of the vehicle shall remove and forward to the Department of Motor Vehicles any evidence of registration of the vehicle, including, but not limited to, registration certificates, certificates of title, and license plates.

(d) Forward the completed certificate to the Department of Motor Vehicles in Sacramento.

(e) A vehicle which is the subject of a certificate prepared and forwarded pursuant to this section shall not be reconstructed or made operable.

(f) Licensed dismantlers acquiring vehicles which are the subject of certificates prepared and forwarded pursuant to this section shall be excused from the reporting requirements of Section 11520, and any fees and penalties which would otherwise be due to the Department of Motor Vehicles are hereby waived, provided that a copy of the certificate forwarded to the Department of Motor Vehicles pursuant to this section is retained in the licensed dismantlers' business record.

(g) A local agency may authorize by contract or franchise the removal, disposal, or removal and disposal, of such vehicles by other than a licensed automobile dismantler if it has first requested bids for removal, disposal, or removal and disposal, of such vehicles. Such franchise or contract shall be issued to or executed with the lowest responsible bidder. The bill of sale shall then be executed and delivered pursuant to subdivision (c) with the franchisee or contractor.

SEC. 4. Section 22854.5 is added to the Vehicle Code, to read:

22854.5. The person or public agency in possession of the vehicle shall remove and forward to the Department of Motor Vehicles, within three days of the first publication of notice of sale pursuant to Section 3072 of the Civil Code, any evidence of registration of the vehicle, including, but not limited to, registration certificates, certificates of title, and license plates.

SEC. 5. Section 22855 of the Vehicle Code is amended to read:

22855. The following persons shall have the authority to make appraisals of the value of vehicles for purposes of this chapter, subject to the conditions stated in this chapter:

(a) Any member of the California Highway Patrol designated by the commissioner.

(b) Any regularly employed and salaried deputy sheriff or other employee designated by the sheriff of any county.

(c) Any regularly employed and salaried police officer or other employee designated by the chief of police of any city.

(d) Any officer or employee of the Department of Motor Vehicles designated by the director of said department.

(e) Any member of the California State Police designated by the chief thereof.

(f) Any regularly employed and salaried police officer or other employee of the University of California Police Department designated by the chief thereof.

(g) Any regularly salaried employee of a city, county, or city and county designated by a board of supervisors or a city council pursuant to subdivision (a) of Section 22702.

SEC. 6. Section 22856 of the Vehicle Code is amended to read:

22856. The commissioner, Chief of the California State Police, Chief of the University of California Police Department, or any sheriff or chief of police who designates a person authorized to make appraisals or the board of supervisors or city council who designates a regularly salaried employee of a city, county, or city and county to make appraisals shall certify the name of every such person or employee to the Department of Motor Vehicles in Sacramento.

SEC. 7. Section 42001 of the Vehicle Code is amended to read:

42001. (a) Except as provided in Section 42001.5, every person convicted of an infraction for a violation of this code or of any local ordinance adopted pursuant to this code shall be punished upon a first conviction by a fine not exceeding fifty dollars ($50) and for a second conviction within a period of one year by a fine of not exceeding one hundred dollars ($100) and for a third or any subsequent conviction within a period of one year by a fine of not exceeding two hundred fifty dollars ($250).

(b) Every person convicted of a misdemeanor violation of Division 10 (commencing with Section 20000), Division 11 (commencing with Section 21000), except Chapter 13 (commencing with Section 23250) and except Section 21461 as it applies to vehicular crossings, and Sections 2800, 2801, and 2803 insofar as they affect failure to stop and submit to inspection of equipment or for an unsafe condition endangering any person, except where a different penalty is expressly provided in said provisions, shall be punished upon a first conviction by a fine not exceeding fifty dollars ($50) or by imprisonment in the county jail for not exceeding five days and for a second conviction within a period of one year by a fine of not exceeding one hundred dollars ($100) or by imprisonment in the county jail for not exceeding 10 days, or by both such fine and imprisonment and for a third or any subsequent conviction within a period of one year by a fine of not exceeding five hundred dollars ($500) or by imprisonment in the county jail for not exceeding six months or by both such fine and imprisonment.

This section shall have no application to Article 2 (commencing with Section 42030) of Chapter 1 of this division relating to weight violations.

SEC. 8. Section 42001.5 is added to the Vehicle Code, to read:

42001.5. Every person convicted of an infraction for a violation of Section 22700 shall be punished by a fine of not less than fifty dollars ($50).

CHAPTER 1432

An act to amend Section 13700 of the Welfare and Institutions Code, relating to public social services.

[Approved by Governor September 18, 1970 Filed with Secretary of State September 18, 1970.]

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

SECTION 1. Section 13700 of the Welfare and Institutions Code is amended to read:

13700. For needy disabled persons qualifying for aid under the provisions of this chapter, there shall be paid an amount equivalent to the actual needs of the recipient as set forth in this section, but not to exceed an average grant computed statewide for all recipients of aid under this chapter of one hundred dollars ($100) per month. In the event the average grant per recipient exceeds an amount of one hundred dollars ($100), the department shall take immediate steps to reduce or curtail payments for attendant services or other special services arising from their disability to the end that the monthly average per recipient for the full fiscal year does not exceed one hundred dollars ($100).

The department shall establish a standard of assistance, within the limits set forth in this section, which will enable each recipient to maintain himself in decency and health. The department shall establish a standard to cover actual needs, common to all persons. Within the limit of the average grant set forth in this section, the department may provide for payment of an additional sum to those recipients whose physical or mental condition is such that they require the services of a full- or part-time attendant or other special services. In determining whether an applicant or recipient is entitled to receive payment for attendant or other special services, the scale set forth in Section 12101 of this code shall be used to determine his share of his spouse's community income that is available to meet his needs for such services. Allowance for attendant services shall not be made when rendered by a responsible relative with whom the recipient is living, except when the director determines that the provision of such service is necessary to prevent the institutionalization of the recipient and cannot be obtained from any person other than the responsible relative.

The department shall give priority to persons in the greatest need without replacing other public or private resources which can provide the services. Voluntary contributions or grants from other public sources, private agencies, friends or relatives which are specifically and solely provided for such attendant services and which would not otherwise be available shall not be considered as applying toward the actual needs of said recipient.

The department may provide by rule that any change in grant for an amount of two dollars ($2) or less may be delayed not more than two months beyond the month in which the recipients reported the change in circumstances.

CHAPTER 1433

An act to add Division 13 (commencing with Section 21000) to the Public Resources Code, relating to environmental quality.

[Approved by Governor September 18, 1970. Filed with Secretary of State September 18, 1970.]

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

SECTION 1. Division 13 (commencing with Section 21000) is added to the Public Resources Code, to read:

DIVISION 13. ENVIRONMENTAL QUALITY

CHAPTER 1. POLICY

21000. The Legislature finds and declares as follows:

(a) The maintenance of a quality environment for the people of this state now and in the future is a matter of statewide concern.

(b) It is necessary to provide a high-quality environment that at all times is healthful and pleasing to the senses and intellect of man.

(c) There is a need to understand the relationship between the maintenance of high-quality ecological systems and the general welfare of the people of the state, including their enjoyment of the natural resources of the state.

(d) The capacity of the environment is limited, and it is the intent of the Legislature that the government of the state take immediate steps to identify any critical thresholds for the health and safety of the people of the state and take all coordinated actions necessary to prevent such thresholds being reached.

(e) Every citizen has a responsibility to contribute to the preservation and enhancement of the environment.

(f) The interrelationship of policies and practices in the management of natural resources and waste disposal requires systematic and concerted efforts by public and private interests to enhance environmental quality and to control environmental pollution.

(g) It is the intent of the Legislature that all agencies of the state government which regulate activities of private individuals, corporations, and public agencies which are found to affect the quality of the environment, shall regulate such activi-

ties so that major consideration is given to preventing environmental damage.

21001. The Legislature further finds and declares that it is the policy of the state to:

(a) Develop and maintain a high-quality environment now and in the future, and take all action necessary to protect, rehabilitate, and enhance the environmental quality of the state.

(b) Take all action necessary to provide the people of this state with clean air and water, enjoyment of aesthetic, natural, scenic, and historic environmental qualities, and freedom from excessive noise.

(c) Prevent the elimination of fish or wildlife species due to man's activities, insure that fish and wildlife populations do not drop below self-perpetuating levels, and preserve for future generations representations of all plant and animal communities and examples of the major periods of California history.

(d) Ensure that the long-term protection of the environment shall be the guiding criterion in public decisions.

(e) Create and maintain conditions under which man and nature can exist in productive harmony to fulfill the social and economic requirements of present and future generations.

(f) Require governmental agencies at all levels to develop standards and procedures necessary to protect environmental quality.

(g) Require governmental agencies at all levels to consider qualitative factors as well as economic and technical factors and long-term benefits and costs, in addition to short-term benefits and costs and to consider alternatives to proposed actions affecting the environment.

CHAPTER 2. SHORT TITLE

21050. This division shall be known and may be cited as the Environmental Quality Act of 1970.

CHAPTER 3. STATE AGENCIES, BOARDS AND COMMISSIONS

21100. All state agencies, boards, and commissions shall include in any report on any project they propose to carry out which could have a significant effect on the environment of the state, a detailed statement by the responsible state official setting forth the following:

(a) The environmental impact of the proposed action.

(b) Any adverse environmental effects which cannot be avoided if the proposal is implemented.

(c) Mitigation measures proposed to minimize the impact.

(d) Alternatives to the proposed action.

(e) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity.

(f) Any irreversible environmental changes which would be involved in the proposed action should it be implemented.

21101. In regard to any proposed federal project in this state which may have a significant effect on the environment and on which the state officially comments, the state officials responsible for such comments shall include in their report a detailed statement setting forth the matters specified in Section 21100 prior to transmitting the comments of the state to the federal government. No report shall be transmitted to the federal government unless it includes such a detailed statement as to the matters specified in Section 21100.

21102. No state agency, board, or commission shall request funds, nor shall any state agency, board, or commission which authorizes expenditures of funds, other than funds appropriated in the Budget Act, authorize funds for expenditure for any project, other than a project involving only planning, which could have a significant effect on the environment unless such request or authorization is accompanied by a detailed statement setting forth the matters specified in Section 21100.

21103. The Office of Planning and Research shall, in conjunction with appropriate state, regional, and local agencies, coordinate the development of objectives, criteria, and procedures to assure the orderly preparation and evaluation of environmental impact reports required by this division.

21104. Prior to the making of a detailed statement, the responsible state official shall consult with, and obtain comments from, any governmental agency which has jurisdiction by law or special expertise with respect to any environmental impact involved.

21105. The responsible state official shall include the environmental impact report, together with any comments received from other governmental agencies pursuant to Section 21104, as a part of the regular project report used in the existing review and budgetary process. It shall be available to the Legislature and to the general public.

21106. All state agencies, boards, and commissions shall request in their budgets the funds necessary to protect the environment in relation to problems caused by their activities.

21107. Every state agency, board and commission shall review its present statutory authority, rules, regulations, policies and procedures to determine any inconsistencies or deficiencies in such provisions which would hinder compliance with the provisions of this division, and shall propose to the Governor and the Legislature no later than January 1971, any measures necessary to comply with the intent, policies, and procedures of this division.

CHAPTER 4. LOCAL AGENCIES

21150. State agencies, boards, and commissions, responsible for allocating state or federal funds on a project-by-project basis to local governmental agencies for land acquisition or

construction projects which may have a significant effect on the environment, shall, unless exempted by formal procedures developed under the provisions of Section 21103, require from the responsible local governmental agency a detailed statement setting forth the matters specified in Section 21100 prior to the allocation of any funds, other than funds solely for planning purposes.

21151. The legislative bodies of all cities and counties which have an officially adopted conservation element of a general plan shall make a finding that any project they intend to carry out, which may have a significant effect on the environment, is in accord with the conservation element of the general plan. All other local governmental agencies shall make an environmental impact report on any project they intend to carry out which may have a significant effect on the environment and shall submit it to the appropriate local planning agency as part of the report required by Section 65402 of the Government Code.

CHAPTER 1434

An act relating to executive reorganization.

[Approved by Governor September 18, 1970 Filed with Secretary of State September 18, 1970.]

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

SECTION 1. Notwithstanding any other provision of law, including Reorganization Plan No. 1 of 1970, the provisions of Reorganization Plan No. 1 of 1970 shall become operative on July 1, 1972.

SEC. 2. This act shall become operative only if Reorganization Plan No. 1 of 1970 becomes effective.

CHAPTER 1435

An act to amend Section 12080.2 of, to add Section 12080.5 to, and to repeal Sections 8523 and 12080.5 of, the Government Code, relating to executive reorganization.

[Approved by Governor September 18, 1970. Filed with Secretary of State September 18, 1970.]

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

SECTION 1. Section 8523 of the Government Code is repealed.

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 reorgani-

zation 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 may be at any time during 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. Reorganization plans submitted to the Legislature pursuant to this section shall express clearly and specifically the nature and purposes of the plan or plans.

Upon delivery of a reorganization plan, each house shall assign the plan to an appropriate standing committee for study. Prior to the end of the 60-calendar-day period defined in Section 12080.5, such standing committee shall prepare a report on the plan with or without recommendation. Assignment to a committee as provided by this section shall not constitute an assignment for further study within the meaning of Section 12080.5.

SEC. 3. Section 12080.5 of the Government Code is repealed.

SEC. 4. Section 12080.5 is added to the Government Code, to read:

12080.5. Except as otherwise provided in this section, a reorganization plan submitted pursuant to this article shall become effective the first day after 60 calendar days of continuous session of the Legislature after the date on which the plan is transmitted to each house or at a later date as may be provided by the plan, unless, between the date of transmittal and the end of the 60-calendar-day period, 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.

Notwithstanding the foregoing provisions of this section, no reorganization plan shall become effective unless both houses have voted on the question of whether the plan is in need of further study and should be assigned to a committee for such study.

As used in this section "60 calendar days of continuous session" shall be deemed broken only by an adjournment sine die, but in computing the 60 calendar days for the purposes of this provision days on which either house is not in session because of a recess of more than three days to a day certain shall not be included.

If the Governor submits a reorganization plan or reorganization plans to the Legislature and it adjourns sine die before 60 calendar days have elapsed, such plans shall, without action by either house, not be effective. The plans may be resubmitted to the Legislature when it next convenes.

CHAPTER 1436

An act to amend Sections 17922 and 17951 of, to add Sections 17958, 17958.5, and 17958.7 to, and to repeal Chapter 9 (commencing with Section 19825) of Part 3 of, the Health and Safety Code, relating to housing.

[Approved by Governor September 18, 1970. Filed with Secretary of State September 18, 1970.]

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

SECTION 1. Section 17922 of the Health and Safety Code is amended to read:

17922. Except as otherwise specifically provided by law, the rules and regulations adopted, amended, or repealed from time to time pursuant to this chapter shall impose the same requirements as are contained in the Uniform Housing Code, 1970 edition, the Uniform Building Code, 1970 edition, as adopted by the International Conference of Building Officials, the Uniform Plumbing Code, 1970 edition, as adopted by the International Association of Plumbing and Mechanical Officials, the Uniform Mechanical Code, 1970 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. In promulgating regulations the commission shall consider local conditions and any amendments to the uniform codes referred to in this section.

Local use zone requirements, local fire zones, building setback, side and rear yard requirements, and property line requirements are hereby specifically and entirely reserved to the local jurisdictions notwithstanding any requirements found or set forth in this part.

SEC. 2. Section 17951 of the Health and Safety Code is amended to read:

17951. (a) The governing body of any city or county may prescribe fees for permits, certificates, or other forms or documents required or authorized by this part or rules and regulations promulgated pursuant thereto.

(b) The provisions of this part are not intended to prevent the use of any material, appliance, installation, device, arrangement, or method of construction not specifically prescribed by this part, provided any such alternate has been approved.

The building department of any city or county may approve any such alternate if it finds that the proposed design is satisfactory and that the material, appliance, installation, device, arrangement, method, or work offered is, for the purpose intended, at least the equivalent of that prescribed in this part in quality, strength, effectiveness, fire resistance, durability, safety and for the protection of safety and health.

The building department of any city or county shall require evidence that any material, appliance, installation, device ar-

rangement, or method of construction conforms to, or that the proposed alternate is at least equivalent to, the requirements of this part, and rules and regulations promulgated pursuant thereto and in order to substantiate claims for alternates, the building department of any city or county may require tests as proof of compliance to be made at the expense of the owner or his agent by an approved testing agency.

SEC. 3. Section 17958 is added to the Health and Safety Code, to read:

17958. The governing body of every city or county shall adopt ordinances or regulations imposing the same requirements as are contained in the regulations adopted pursuant to Section 17922 within one year after the effective date of this section. If any city or county does not adopt such ordinances or regulations, the provisions of this part and the rules and regulations promulgated thereunder shall be applicable within one year after the effective date of this section.

SEC. 4. Section 17958.5 is added to the Health and Safety Code, to read:

17958.5. In adopting the ordinances or regulations pursuant to Section 17958, a city or county may make such changes or modifications in the requirements contained in regulations adopted pursuant to Section 17922 as it determines are reasonably necessary because of local conditions.

SEC. 5. Section 17958.7 is added to the Health and Safety Code, to read:

17958.7. The governing body of a city or county before making any modifications or changes pursuant to Section 17958.5 shall make an express finding that such modifications or changes are needed. Such a finding shall be available as a public record and a copy, together with the modification or change, filed with the department. Nothing contained in this part shall be construed to require the governing body of any city or county to alter in any way building regulations enacted on or before the effective date of this section.

SEC. 6. Chapter 9 (commencing with Section 19825) of Part 3 of Division 13 of the Health and Safety Code is repealed.

SEC. 7. The Legislature hereby finds and declares that the uniformity of codes throughout the State of California is a matter of statewide interest and concern since it would reduce housing costs and increase the efficiency of private housing construction industry and its production.

Uniformity can be achieved within a framework of local autonomy, by allowing local governments to adopt changes making modifications in such codes based on differences in local conditions, but requiring express findings as reasons for those changes, which would serve as a deterrent to the excessive adoption of changes or modifications.

Thus, such uniformity, by bringing about such reduction of costs and increase of efficiency, would substantially help to meet the housing needs within this state.

CHAPTER 1437

An act to amend Sections 660, 661, 662, 3151, 4562, 4563, and 4564 of the Public Resources Code, to amend Section 152 of the Water Code, and to amend Sections 902 and 903 of the Agricultural Code, relating to the executive branch of the state government.

[Approved by Governor September 18, 1970 Filed with Secretary of State September 18, 1970]

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

SECTION 1. Section 660 of the Public Resources Code is amended to read:

660. There is in the department a State Mining and Geology Board, consisting of nine members appointed by the Governor, subject to confirmation by the Senate, for terms of four years and until their successors are appointed and qualified.

SEC. 2. Section 661 of the Public Resources Code is amended to read:

661. Members of the board shall be selected from citizens of this state associated with or having broad knowledge of the mineral industries of this state, of its geologic resources, or of related technical and scientific fields, to the end that the functions of the board as specified in Section 667 are conducted in the best interests of the state. Among the nine members, at least one should be a mining geologist, mining engineer, or mineral economist, at least one should be a structural engineer or engineering seismologist, and at least two shall be members of the public having an interest in and knowledge of the environment.

SEC. 3. Section 662 of the Public Resources Code is amended to read:

662. The terms of the members of the board in office when this article takes effect in 1965 shall expire as follows: one member January 15, 1966; two members January 15, 1967; and two members January 15, 1968. The terms shall expire in the same relative order as to each member as the term for which he holds office before this article takes effect. The terms of the two additional members first appointed pursuant to the amendment of this section at the 1968 Regular Session of the Legislature shall commence on January 15, 1969. The terms of the two additional members first appointed pursuant to the amendment of Section 660 at the 1970 Regular Session of the Legislature shall commence on January 15, 1971, but the term of one of such additional members, who shall be designated by the Governor, shall expire on January 15, 1974.

SEC. 4. Section 3151 of the Public Resources Code is amended to read:

3151. There shall be district oil and gas commissioners for each district, as follows: for District Number 1, seven; for

District Number 2, seven; for District Number 3, seven; for District Number 4, nine; for District Number 5, seven; for District Number 6, seven.

The district commissioners shall be elected at the times and in the manner hereinafter provided. No person is eligible to be a district oil and gas commissioner who is not a resident of the district for which he is elected, nor who is not actually engaged in the business of oil or gas development or production within the district, except that two commissioners for each district shall be members of the public who are not engaged in the business of oil or gas development or production but who have an interest in and knowledge of the environment. The terms of office of the commissioners added by the amendment of this section at the 1970 Regular Session of the Legislature shall commence in 1971.

SEC. 5. Section 4562 of the Public Resources Code is amended to read:

4562. For the purpose of assisting in administering this chapter, a district forest practice committee, consisting of seven members, shall be established for each district.

SEC. 6. Section 4563 of the Public Resources Code is amended to read:

4563. Six of the members of the committee shall be appointed by, and hold office at, the pleasure of the Governor. Of these six members, two shall be private timber owner-operators in the district, one shall be a private timber owner owning 1,000 acres or more of commercial timber in the district and who does not conduct any logging or milling operations, one shall be a farmer-timber owner owning not less than 160 acres nor more than 1,000 acres of commercial timber in the district, and two shall be members of the public having an interest in and knowledge of the environment.

SEC. 7. Section 4564 of the Public Resources Code is amended to read:

4564. The seventh member of the committee shall be a member of the board or an employee of the division designated by the board to represent it. He shall be the secretary of the committee and shall meet with and take part in all deliberations of the committee, but shall not have the power of a vote except in the case of a tie.

SEC. 8. Section 152 of the Water Code is amended to read:

152. Seven members of the California Water Commission appointed by the Governor shall be selected and approved for appointment on the basis of their general educational and business qualifications, and their knowledge of, interest in, and experience with problems relating to the control, storage, and beneficial use of water. They shall be appointed in such a manner as to afford representation on the commission of all parts of the state so far as it is practicable. In considering qualifications of such members of the commission, engineering ability and experience shall be deemed advisable. Two members of the commission appointed by the Governor shall be members

of the public having an interest in and knowledge of the environment and need have none of the other qualifications specified in this section. The next two members appointed to the commission by the Governor after the effective date of the amendment of this section at the 1970 Regular Session of the Legislature shall be members of the public having such interest in and knowledge of the environment.

SEC. 9. Section 902 of the Agricultural Code is amended to read:

902. The members of the board shall be appointed by the Governor as follows:

(a) One from the Agricultural Sciences Division of the University of California.

(b) One from the agricultural department of one of the state colleges offering agriculture as a part of the curriculum.

(c) Two members shall be appointed from the state at large.

(d) Seven members, not more than one of whom shall be appointed from any one congressional district or from any one county.

(e) Two members of the public having an interest in and knowledge of the environment.

SEC. 10. Section 903 of the Agricultural Code is amended to read:

903. The term of office of the members of the board is four years. The terms expire on January 15 of each year in the rotation which is presently established. Vacancies shall be filled by appointment for the unexpired term. On February 1 of each year the Governor shall designate one of the members of the board to serve as president. The next two members appointed by the Governor after the effective date of the amendment of this section at the 1970 Regular Session of the Legislature shall meet the qualifications contained in subdivision (e) of Section 902.

CHAPTER 1438

An act to amend Sections 6872, 7051, and 7057 of, and to add Section 7061.1 to, the Public Resources Code, relating to oil and gas.

[Approved by Governor September 18, 1970. Filed with Secretary of State September 18, 1970.]

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

SECTION 1. Section 6872 of the Public Resources Code is amended to read:

6872. (a) Tide and submerged lands other than those which may be leased under Section 6871.1 and Section 6872.1, may be leased by the commission if the commission shall determine (1) that oil or gas deposits are believed to be contained in such lands, (2) that the same are being drained by means of wells upon adjacent lands, and (3) that the leasing of the

same for the production of oil and gas will be in the best interests of the state.

(b) Notwithstanding any other provision of this section, no tide and submerged lands within the areas of the County of Los Angeles described in subdivision (a) of Section 6871.2 may be leased by the commission unless such lands are within one nautical mile of the ordinary high water mark, the conditions of subdivision (a) of this section have been met, and the drilling for oil and gas deposits is to be done by means of slant drilling from an upland site.

SEC. 2. Section 7051 of the Public Resources Code is amended to read:

7051. (a) The board of supervisors, boards of trustees, directors or other governing body of any county or other public or quasi-public corporation, body or agency authorized to acquire and hold real property pursuant to the statutory authority under which such county, corporation, body or agency is created may, under such limitations and restrictions as are prescribed by law, lease for the production of oil, gas and other hydrocarbons or for the mining of any other minerals whatsoever, any land owned by the county or such other public or quasi-public corporation, body or agency, or include such land in a community lease embracing adjoining lands, or enter into compensatory royalty agreements in lieu of making such lease, whenever, in the judgment of the governing body, the public use of such property shall not be substantially interfered with thereby. No land used, owned, dedicated, or acquired by purchase, condemnation, gift, or otherwise, as a public park, highway, street, walk, or public playground shall be so leased unless the use of such property for park, highway, street, walk or public playground purposes shall not be substantially interfered with thereby; provided, however, that if in the judgment of the governing body of any such park, highway, street, walk or public playground, drilling for oil or gas would not substantially interfere with the use of such property for park, highway, street, walk or playground purposes, then any such lease on any such property shall provide that drilling for oil or gas beneath the surface of such property shall be done by means of slant drilling from surface locations, outside the outer boundaries of any such property, or from designated locations inside the outer boundaries of such property, which inside locations have been approved by the county parks commission and will not interfere substantially with the use of such property for such park, highway, street, walk or playground purposes. No land owned or under the jurisdiction of the county or such other public or quasi-public corporation, body or agency lying within 300 feet above the line of high tide, or at any point below the line of high tide, of the Pacific Ocean, or any arm, bay, or inlet of the Pacific Ocean shall be leased for the drilling for and production of petroleum products or other minerals, unless the use of such property for public purposes shall not be substantially interfered with thereby; provided,

however, that if in the judgment of the governing body of any such land, drilling for oil or gas would not substantially interfere with the use of such property for public purposes, then any such lease on any such property shall provide that drilling for oil or gas beneath the surface of such property shall be done by means of slant drilling from surface locations, outside the outer boundaries of any such property, or from designated locations inside the outer boundaries of such property, which inside locations have been approved by the governing body and will not interfere substantially with the use of such property for public purposes.

(b) Notwithstanding any other provision of this section, no tide or submerged lands owned or under the jurisdiction of the county or such other public or quasi-public corporation, body or agency shall be leased for the exploration for, drilling for or production of petroleum products within the boundaries of the areas of the County of Los Angeles described in subdivision (a) of Section 6871.2 unless such lands are within one nautical mile of the ordinary high water mark, the applicable conditions of the Public Resources Code and requirements of the State Lands Commission have been met, and the drilling for oil and gas deposits is to be done by means of slant drilling from an upland site.

SEC. 3. Section 7057 of the Public Resources Code is amended to read:

7057. The property of any city may be leased for the purpose of producing or effecting the production of minerals, oil, gas or other hydrocarbon substances for a period not to exceed 35 years unless such property shall have been dedicated or acquired as a park, highway, street, walk or public playground, in which event such property may be leased for such purposes provided that the use of such property for park, highway, street, walk or public playground purposes shall not be substantially interfered with thereby; provided however, that if in the judgment of the governing body of any such park, highway, street, walk or public playground, drilling for oil or gas would not substantially interfere with the use of such property for park, highway, street, walk or playground purposes, then any such lease on any such property shall provide that drilling for oil or gas beneath the surface of such property shall be done by means of slant drilling from surface locations outside the outer boundaries of any such property, or from designated locations inside the outer boundaries of such property, which inside locations will not interfere substantially with the use of such property for such park, highway, street, walk or playgound purposes. Such governing body shall prescribe such terms and conditions in such lease to the end that any drilling and producing operations will interfere as little as is possible with the use of the property for such park, highway, street, walk or playground purposes.

The amendment of this section made at the 1959 Regular Session of the Legislature does not constitute a change in, but is declaratory of, the preexisting law.

Notwithstanding any other provision of this section, no tide or submerged lands owned or under the jurisdiction of any city shall be leased for the exploration for, drilling for or production of petroleum products within the boundaries of the areas of the County of Los Angeles described in subdivision (a) of Section 6871.2 unless such lands are within one nautical mile of the ordinary high water mark, the applicable conditions of the Public Resources Code and requirements of the State Lands Commission have been met, and the drilling for oil and gas deposits is to be done by means of slant drilling from an upland site.

SEC. 4. Section 7061.1 is added to the Public Resources Code, to read:

7061.1. Notwithstanding the provisions of Section 7058, no city, county, city and county, or district may enter into a unit or cooperative agreement pursuant to that section under which exploration for, drilling for, or production of petroleum products is proposed with respect to any part or parts of an oil and gas field located in tide or submerged lands which are within the boundaries of the areas of the County of Los Angeles described in subdivision (a) of Section 6871.2 unless such lands are within one nautical mile of the ordinary high water mark, the applicable conditions of the Public Resources Code and requirements of the State Lands Commission have been met, and the drilling for oil and gas deposits is to be done by means of slant drilling from an upland site.

CHAPTER 1439

An act to amend Sections 4150, 4452, 9105, 9252, 9254, 9561, and 10504 of, and to amend Sections 9861 and 9901, as added by Assembly Bill No. 315, of, and to add Sections 9862.5 and 9872.5 to, the Vehicle Code, relating to registration by Department of Motor Vehicles.

[Approved by Governor September 18, 1970. Filed with Secretary of State September 18, 1970.]

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

SECTION 1. Section 4150 of the Vehicle Code is amended to read:

4150. Application for the original registration of a vehicle of a type required to be registered under this code shall be made by the owner to the department upon the appropriate form furnished by it and shall contain:

(a) The true full name and business or residence address of the owner, and of the legal owner, if any.

(b) The name of the county in which the owner resides.

(c) A description of the vehicle, including the following data insofar as it may exist:

The make and type of body.

The vehicle identification number or any other identifying number as may be required by the department.

The date first sold by a manufacturer or dealer to a consumer.

(d) Such information as may reasonably be required by the department to enable it to determine whether the vehicle is lawfully entitled to registration.

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

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

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

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

SEC. 3. Section 9105 of the Vehicle Code is amended to read:

9105. The fees specified in this code except fees for duplicate plates, certificates, or cards need not be paid for any of the following vehicles, which are of a type subject to registration under this code, and which are not used for transportation for hire, compensation, or profit, when owned by any veteran who has lost, or has lost use of, two or more limbs, or one eye and any limb, or who has suffered permanent blindness as defined in Section 6202 of the Education Code, as a result of injury or disease suffered while on active service with the armed forces of the United States:

(a) Any passenger motor vehicle.

(b) Any motorcycle.

(c) Any commercial motor vehicle of less than 4,000 pounds unladen weight.

The exemption granted by this section shall not extend to more than one vehicle owned by any such veteran.

SEC. 4. Section 9252 of the Vehicle Code is amended to read:

9252. In addition to the registration fees specified in Sections 9250 and 9253 and any weight fee, there shall be paid a service fee of six dollars ($6) for the registration within this state of every vehicle purchased new outside this state or pre-

viously registered outside this state. If the vehicle has been registered and operated in this state during the same year in which application for registration is made, a fee of three dollars ($3) only shall be paid.

SEC. 5. Section 9254 of the Vehicle Code is amended to read:

9254. A service fee of eight dollars ($8) shall be paid to the department for a certificate of ownership issued without registration of the vehicle.

SEC. 6. Section 9561 of the Vehicle Code is amended to read:

9561. When a legal owner or his agent repossesses a vehicle on which delinquent fees and penalties are due, the department shall waive the penalties if all other fees are paid within 30 days of taking possession.

SEC. 7. Section 9861 of the Vehicle Code, as added by Assembly Bill No. 315, is amended to read:

9861. All certificates of number expire on December 31, 1971, and thereafter on December 31st of every year.

SEC. 8. Section 9862.5 is added to the Vehicle Code, to read:

9862.5. In computing any penalty imposed under this chapter, a fraction of a dollar shall be disregarded unless it exceeds fifty cents ($0.50), in which case it shall be treated as one dollar ($1).

SEC. 9. Section 9872.5 is added to the Vehicle Code, to read:

9872.5. No certificate of ownership shall be issued under this chapter for any "amphibious vehicle" for which a certificate of ownership may be issued by the department under other provisions of this code.

For the purposes of this section, an "amphibious vehicle" is a device by which any person or property may be propelled, moved, or drawn, both upon water and upon a highway on land.

SEC. 10. Section 9901 of the Vehicle Code, as added by Assembly Bill No. 315, is amended to read:

9901. Whenever any person has received as transferee a properly endorsed certificate of ownership and the certificate of number of the vessel described in the certificates, he shall within 10 days thereafter file the certificates accompanied by a fee of five dollars ($5) with the department, and thereby make application for a certificate of ownership and certificate of number.

SEC. 11. Section 10504 of the Vehicle Code is amended to read:

10504. The department upon receiving a report of a stolen or embezzled vehicle shall place an appropriate notice in the electronic file system which will identify stolen vehicles during the processing of new certificates of registration, ownership, or registration and ownership. When stolen vehicles are thus identified, processing shall be discontinued and the Department

of the California Highway Patrol shall be notified. New certificates shall not be issued until cleared by the California Highway Patrol. Notices shall remain in the Department of Motor Vehicles system until a Department of the California Highway Patrol deletion is received.

A report of a stolen or embezzled vehicle is effective for a period of not less than one year from the date first reported or longer as the department may determine.

SEC. 12. Sections 7, 8, 9, and 10 of this act shall become operative only if Assembly Bill No. 315 is enacted by the Legislature at its 1970 Regular Session, and in such case, at the same time as Assembly Bill No. 315 takes effect.

CHAPTER 1440

An act to amend Section 14771 of the Revenue and Taxation Code, relating to inheritance tax appraisers.

[Approved by Governor September 18, 1970. Filed with Secretary of State September 18, 1970.]

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

SECTION 1. Section 14771 of the Revenue and Taxation Code is amended to read:

14771. The Controller shall appoint from among persons passing a qualification examination administered by the State Personnel Board at least one person in each county to act as an inheritance tax referee for the county. Such appointments shall be on the basis of merit without regard to sex, race, religious creed, color, national origin, ancestry, marital status, or political affiliation.

In the event there are less than three regularly qualified applicants to serve in a county, the Controller may designate an inheritance tax referee from another county or in the event there is no regularly qualified applicant make an interim appointment, to serve until the vacancy has been filled by a regularly qualified applicant.

As soon as practical after the operative date of this act, the Controller shall stagger the terms of the then appointed inheritance tax referees so that one-quarter, or as close to one-quarter as possible, of them expire on June 30 of each of the next four succeeding years. Thereafter, the term of office of an inheritance tax referee shall be four years, expiring on June 30. In increasing the inheritance tax referees in any county thereafter, the Controller shall stagger the terms of the new appointees to conform as nearly as practicable to the requirements of this paragraph.

For purposes of this section, any person who has passed the qualification examination for inheritance tax appraiser given in 1967 or 1970 shall be deemed a qualified applicant. Once

qualified an applicant remains eligible for appointment for a period of five years from the date of his examination. Once appointed an inheritance tax referee remains eligible for reappointment.

Except in the case of an interim appointment as provided for by this section, no person who is an inheritance tax appraiser and who is not a qualified applicant as provided in this section shall remain in office as an inheritance tax referee after June 30, 1971, and the appointment of any such person as an inheritance tax appraiser shall terminate at 12:01 a.m. on July 1, 1971.

SEC. 2. On and after the effective date of this act and to and including June 30, 1971, no person shall be appointed as an inheritance tax appraiser who has not passed the qualification examination for inheritance tax appraiser given in 1967, 1970, or 1971.

SEC. 3. This act shall only become operative if Senate Bill No. 361 of the 1970 Regular Session of the Legislature is enacted into law; in which case, Section 1 of this act shall become operative at 12:01 a.m. on July 1, 1971, and Section 2 of this act shall become operative on the 61st day after final adjournment of the 1970 Regular Session of the Legislature.

CHAPTER 1441

An act to amend Section 1538.5 of the Penal Code, relating to criminal procedure.

[Approved by Governor September 18, 1970. Filed with Secretary of State September 18, 1970.]

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

SECTION 1. Section 1538.5 of the Penal Code is amended to read:

1538.5. (a) A defendant may move for the return of property or to suppress as evidence any tangible or intangible thing obtained as a result of a search or seizure on the ground that:

(1) The search or seizure without a warrant was unreasonable; or

(2) The search or seizure with a warrant was unreasonable because (i) the warrant is insufficient on its face; (ii) the property or evidence obtained is not that described in the warrant; (iii) there was not probable cause for the issuance of the warrant; (iv) the method of execution of the warrant violated federal or state constitutional standards; or (v) there was any other violation of federal or state constitutional standards.

(b) When consistent with the procedures set forth in this section and subject to the provisions of Section 170 through 170.6 of the Code of Civil Procedure, the motion should first

be heard by the magistrate who issued the search warrant if there is a warrant.

(c) Whenever a search or seizure motion is made in the municipal, justice or superior court as provided in this section, the judge or magistrate shall receive evidence on any issue of fact necessary to determine the motion.

(d) If a search or seizure motion is granted pursuant to the proceedings authorized by this section, the property or evidence shall not be admissible against the movant at any trial or other hearing unless further proceedings authorized by this section or Section 1238 or Section 1466 are utilized by the people.

(e) If a search or seizure motion is granted at a trial, the property shall be returned upon order of the court unless it is otherwise subject to lawful detention. If the motion is granted at a special hearing, the property shall be returned upon order of the court only if, after the conclusion of any further proceedings authorized by this section or Section 1238 or Section 1466, the property is not subject to lawful detention or if the time for initiating such proceedings has expired, whichever occurs last. If the motion is granted at a preliminary hearing, the property shall be returned upon order of court after 10 days unless the property is otherwise subject to lawful detention or unless, within that time, further proceedings authorized by this section or Section 1238 are utilized; if they are utilized, the property shall be returned only if, after the conclusion of such proceedings, the property is no longer subject to lawful detention.

(f) If the property or evidence relates to a felony offense initiated by a complaint, the motion may be made in the municipal or justice court at the preliminary hearing.

(g) If the property or evidence relates to a misdemeanor complaint, the motion shall be made in the municipal or justice court before trial and heard prior to trial at a special hearing relating to the validity of the search or seizure. If the property or evidence relates to a misdemeanor filed together with a felony, the procedure provided for a felony in this section and Sections 1238 and 1539 shall be applicable.

(h) If, prior to the trial of a felony or misdemeanor, opportunity for this motion did not exist or the defendant was not aware of the grounds for the motion, the defendant shall have the right to make this motion during the course of trial in the municipal, justice or superior court. Furthermore, the court in its discretion may entertain the motion during the course of the trial.

(i) If the property or evidence obtained relates to a felony offense initiated by complaint and the defendant was held to answer at the preliminary hearing, or if the property or evidence relates to a felony offense initiated by indictment, the defendant shall have the right to renew or make the motion in the superior court at a special hearing relating to the validity of the search or seizure which shall be heard prior to trial and

at least 10 days after notice to the people unless the people are willing to waive a portion of this time. The defendant shall have the right to litigate the validity of a search or seizure de novo on the basis of the evidence presented at a special hearing. After the special hearing is held in the superior court, any review thereafter desired by the defendant prior to trial shall be by means of an extraordinary writ of mandate or prohibition filed within 30 days after the denial of his motion at the special hearing.

(j) If the property or evidence relates to a felony offense initiated by complaint and the defendant's motion for the return of the property or suppression of the evidence at the preliminary hearing is granted, and if the defendant is not held to answer at the preliminary hearing, the people may file a new complaint or seek an indictment after the preliminary hearing, and the ruling at the prior hearing shall not be binding in any subsequent proceeding. If the property or evidence relates to a felony offense initiated by complaint and the defendant's motion for the return or suppression of the property or evidence at the preliminary hearing is granted, and if the defendant is held to answer at the preliminary hearing, the ruling at the preliminary hearing shall be binding upon the people unless, upon notice to the defendant and the court in which the preliminary hearing was held and upon the filing of an information, the people within 10 days after the preliminary hearing request in the superior court a special hearing, in which case the validity of the search or seizure shall be relitigated de novo on the basis of the evidence presented at the special hearing, and the defendant shall be entitled, as a matter of right, to a continuance of the special hearing for a period of time up to 30 days. If defendant's motion is granted at a special hearing in the superior court, the people, if they have additional evidence relating to the motion and not presented at the special hearing, shall have the right to show good cause at the trial why such evidence was not presented at the special hearing and why the prior ruling at the special hearing should not be binding, or the people may seek appellate review as provided in subdivision (o) of this section, unless the court prior to the time such review is sought has dismissed the case pursuant to Section 1385. If the property or evidence seized relates solely to a misdemeanor complaint, and the defendant made a motion for the return of property or the suppression of evidence in the municipal court or justice court prior to trial, both the people and defendant shall have the right to appeal any decision of that court relating to that motion to the superior court of the county in which such inferior court is located, in accordance with the California Rules of Court provisions governing appeals from municipal and justice courts in criminal cases. If the people prosecute review by appeal or writ to decision, or any review thereof, in a felony or misdemeanor case, it shall be binding upon them.

(k) If the defendant's motion to return property or suppress evidence is granted and the case is dismissed pursuant to Section 1385, or the people appeal in a misdemeanor case pursuant to subdivision (j), the defendant shall be released pursuant to Section 1318 if he is in custody and not returned to custody unless the proceedings are resumed in the trial court and he is lawfully ordered by the court to be returned to custody.

If the defendant's motion to return property or suppress evidence is granted and the people file a petition for writ of mandate or prohibition pursuant to subdivision (o) or a notice of intention to file such a petition, the defendant shall be released pursuant to Section 1318 unless (1) he is charged with a capital offense in a case where the proof is evident and the presumption great, or (2) he is charged with a noncapital offense defined in Chapter 1 (commencing with Section 187) of Title 8 of Part 1 and the court orders that the defendant be discharged from actual custody upon bail.

(*l*) If the defendant's motion to return property or suppress evidence is granted, the trial of a criminal case shall be stayed to a specified date pending the termination in the appellate courts of the State of California of the proceedings provided for in this section, Section 1238, or Section 1466 and, except upon stipulation of the parties, pending the time for the initiation of such proceedings. Upon the termination of such proceedings, the defendant shall be brought to trial as provided by Section 1382, and subject to the provisions of Section 1382, whenever the people have sought and been denied appellate review pursuant to subdivision (o) of this section, the defendant shall be entitled to have the action dismissed if he is not brought to trial within 30 days of the date of the order which is the last denial of the petition. Nothing contained in this subdivision shall prohibit a court, at the same time as it rules upon the search and seizure motion, from dismissing a case pursuant to Section 1385 when such dismissal is upon the court's own motion and is based upon an order at the special hearing granting defendant's motion to return property or suppress evidence. In a misdemeanor case, the defendant shall be entitled to a continuance of up to 30 days if he intends to file a motion to return property or suppress evidence and needs this time to prepare for the special hearing on the motion. In case of an appeal by the defendant in a misdemeanor case from the denial of such motion, he shall be entitled to bail as a matter of right, and, in the discretion of the trial or appellate court, may be released on his own recognizance pursuant to Section 1318.4.

(m) The proceedings provided for in this section, Section 955, Section 1238, and Section 1466 shall constitute the sole and exclusive remedies prior to conviction to test the unreasonableness of a search or seizure where the person making the motion for the return of property or the suppression of evidence is a defendant in a criminal case and the property or

thing has been offered or will be offered as evidence against him. A defendant may seek further review of the validity of a search or seizure on appeal from a conviction in a criminal case notwithstanding the fact that such judgment of conviction is predicated upon a plea of guilty. Such review on appeal may be obtained by the defendant providing that at some stage of the proceedings prior to conviction he has moved for the return of property or the suppression of the evidence.

(n) Nothing contained in this section shall prohibit a person from making a motion, otherwise permitted by law, to return property, brought on the ground that the property obtained is protected by the free speech and press provisions of the federal and state constitutions. Nothing in this section shall be construed as altering (i) the law of standing to raise the issue of an unreasonable search or seizure; (ii) the law relating to the status of the person conducting the search or seizure; (iii) the law relating to the burden of proof regarding the search or seizure; (iv) the law relating to the reasonableness of a search or seizure regardless of any warrant which may have been utilized; or (v) the procedure and law relating to a motion made pursuant to Section 995 or the procedures which may be initiated after the granting or denial of such a motion.

(o) Within 30 days after a defendant's motion is granted at a special hearing in the superior court, the people may file a petition for writ of mandate or prohibition, seeking appellate review of the ruling regarding the search or seizure motion. If the trial of a criminal case is set for a date which is less than 30 days from the granting of a defendant's motion at a special hearing in the superior court, the people, if they have not filed such a petition and wish to preserve their right to file such a petition, shall file in the superior court on or before the trial date or within 10 days after the special hearing, whichever occurs last, a notice of intention to file such a petition and shall serve a copy of the notice upon the defendant.

SEC. 1.5. Section 1538.5 of the Penal Code is amended to read:

1538.5. (a) A defendant may move for the return of property or to suppress as evidence any tangible or intangible thing obtained as a result of a search or seizure on either of the following grounds:

(1) The search or seizure without a warrant was unreasonable.

(2) The search or seizure with a warrant was unreasonable because (i) the warrant is insufficient on its face; (ii) the property or evidence obtained is not that described in the warrant; (iii) there was not probable cause for the issuance of the warrant; (iv) the method of execution of the warrant violated federal or state constitutional standards; or (v) there was any other violation of federal or state constitutional standards.

(b) When consistent with the procedures set forth in this section and subject to the provisions of Section 170 through

170.6 of the Code of Civil Procedure, the motion should first be heard by the magistrate who issued the search warrant if there is a warrant.

(c) Whenever a search or seizure motion is made in the municipal, justice or superior court as provided in this section, the judge or magistrate shall receive evidence on any issue of fact necessary to determine the motion.

(d) If a search or seizure motion is granted pursuant to the proceedings authorized by this section, the property or evidence shall not be admissible against the movant at any trial or other hearing unless further proceedings authorized by this section or Section 1238 or Section 1466 are utilized by the people.

(e) If a search or seizure motion is granted at a trial, the property shall be returned upon order of the court unless it is otherwise subject to lawful detention. If the motion is granted at a special hearing, the property shall be returned upon order of the court only if, after the conclusion of any further proceedings authorized by this section or Section 1238 or Section 1466, the property is not subject to lawful detention or if the time for initiating such proceedings has expired, whichever occurs last. If the motion is granted at a preliminary hearing, the property shall be returned upon order of court after 10 days unless the property is otherwise subject to lawful detention or unless, within that time, further proceedings authorized by this section or Section 1238 are utilized; if they are utilized, the property shall be returned only if, after the conclusion of such proceedings, the property is no longer subject to lawful detention.

(f) If the property or evidence relates to a felony offense initiated by a complaint, the motion may be made in the municipal or justice court at the preliminary hearing.

(g) If the property or evidence relates to a misdemeanor complaint, the motion shall be made in the municipal or justice court before trial and heard prior to trial at a special hearing relating to the validity of the search or seizure. If the property or evidence relates to a misdemeanor filed together with a felony, the procedure provided for a felony in this section and Sections 1238 and 1539 shall be applicable.

(h) If, prior to the trial of a felony or misdemeanor, opportunity for this motion did not exist or the defendant was not aware of the grounds for the motion, the defendant shall have the right to make this motion during the course of trial in the municipal, justice or superior court.

(i) If the property or evidence obtained relates to a felony offense initiated by complaint and the defendant was held to answer at the preliminary hearing, or if the property or evidence relates to a felony offense initiated by indictment, the defendant shall have the right to renew or make the motion in the superior court at a special hearing relating to the validity of the search or seizure which shall be heard prior to trial and at least 10 days after notice to the people unless the people

are willing to waive a portion of this time. The defendant shall have the right to litigate the validity of a search or seizure de novo on the basis of the evidence presented at a special hearing. After the special hearing is held in the superior court, any review thereafter desired by the defendant prior to trial shall be by means of an extraordinary writ of mandate or prohibition filed within 30 days after the denial of his motion at the special hearing.

(j) If the property or evidence relates to a felony offense initiated by complaint and the defendant's motion for the return of the property or suppression of the evidence at the preliminary hearing is granted, and if the defendant is not held to answer at the preliminary hearing, the people may file a new complaint or seek an indictment after the preliminary hearing, and the ruling at the prior hearing shall not be binding in any subsequent proceeding. If the property or evidence relates to a felony offense initiated by complaint and the defendant's motion for the return or suppression of the property or evidence at the preliminary hearing is granted, and if the defendant is held to answer at the preliminary hearing, the ruling at the preliminary hearing shall be binding upon the people unless, upon notice to the defendant and the court in which the preliminary hearing was held and upon the filing of an information, the people within 10 days after the preliminary hearing request in the superior court a special hearing, in which case the validity of the search or seizure shall be relitigated de novo on the basis of the evidence presented at the special hearing, and the defendant shall be entitled, as a matter of right, to a continuance of the special hearing for a period of time up to 30 days. If defendant's motion is granted at a special hearing in the superior court, the people, if they have additional evidence relating to the motion and not presented at the special hearing, shall have the right to show good cause at the trial why such evidence was not presented at the special hearing and why the prior ruling at the special hearing should not be binding, or the people may seek appellate review as provided in subdivision (o), unless the court prior to the time such review is sought has dismissed the case pursuant to Section 1385. If the property or evidence seized relates solely to a misdemeanor complaint, and the defendant made a motion for the return of property or the suppression of evidence in the municipal court or justice court prior to trial, both the people and defendant shall have the right to appeal any decision of that court relating to that motion to the superior court of the county in which such inferior court is located, in accordance with the California Rules of Court provisions governing appeals from municipal and justice courts in criminal cases. If the people prosecute review by appeal or writ to decision, or any review thereof, in a felony or misdemeanor case, it shall be binding upon them.

(k) If the defendant's motion to return property or suppress evidence is granted and the case is dismissed pursuant to Section 1385, or the people appeal in a misdemeanor case pursuant to subdivision (j), the defendant shall be released pursuant to Section 1318 if he is in custody and not returned to custody unless the proceedings are resumed in the trial court and he is lawfully ordered by the court to be returned to custody.

If the defendant's motion to return property or suppress evidence is granted and the people file a petition for writ of mandate or prohibition pursuant to subdivision (o) or a notice of intention to file such a petition, the defendant shall be released pursuant to Section 1318 unless (1) he is charged with a capital offense in a case where the proof is evident and the presumption great, or (2) he is charged with a noncapital offense defined in Chapter 1 (commencing with Section 187) of Title 8 of Part 1 and the court orders that the defendant be discharged from actual custody upon bail.

(*l*) If the defendant's motion to return property or suppress evidence is granted, the trial of a criminal case shall be stayed to a specified date pending the termination in the appellate courts of this state of the proceedings provided for in this section, Section 1238, or Section 1466 and, except upon stipulation of the parties, pending the time for the initiation of such proceedings. Upon the termination of such proceedings, the defendant shall be brought to trial as provided by Section 1382, and subject to the provisions of Section 1382, whenever the people have sought and been denied appellate review pursuant to subdivision (o), the defendant shall be entitled to have the action dismissed if he is not brought to trial within 30 days of the date of the order which is the last denial of the petition. Nothing contained in this subdivision shall prohibit a court, at the same time as it rules upon the search and seizure motion, from dismissing a case pursuant to Section 1385 when such dismissal is upon the court's own motion and is based upon an order at the special hearing granting defendant's motion to return property or suppress evidence. In a misdemeanor case, the defendant shall be entitled to a continuance of up to 30 days if he intends to file a motion to return property or suppress evidence and needs this time to prepare for the special hearing on the motion. In case of an appeal by the defendant in a misdemeanor case from the denial of such motion, he shall be entitled to bail as a matter of right, and, in the discretion of the trial or appellate court, may be released on his own recognizance pursuant to Section 1318.4.

(m) The proceedings provided for in this section, Section 995, Section 1238, and Section 1466 shall constitute the sole and exclusive remedies prior to conviction to test the unreasonableness of a search or seizure where the person making the motion for the return of property or the suppression of evidence is a defendant in a criminal case and the property or thing has been offered or will be offered as evidence against

him. A defendant may seek further review of the validity of a search or seizure on appeal from a conviction in a criminal case notwithstanding the fact that such judgment of conviction is predicated upon a plea of guilty. Such review on appeal may be obtained by the defendant providing that at some stage of the proceedings prior to conviction he has moved for the return of property or the suppression of the evidence.

(n) Nothing contained in this section shall prohibit a person from making a motion, otherwise permitted by law, to return property, brought on the ground that the property obtained is protected by the free speech and press provisions of the Federal and State Constitutions. Nothing in this section shall be construed as altering (i) the law of standing to raise the issue of an unreasonable search or seizure; (ii) the law relating to the status of the person conducting the search or seizure; (iii) the law relating to the burden of proof regarding the search or seizure; (iv) the law relating to the reasonableness of a search or seizure regardless of any warrant which may have been utilized; or (v) the procedure and law relating to a motion made pursuant to Section 995 or the procedures which may be initiated after the granting or denial of such a motion.

(o) Within 30 days after a defendant's motion is granted at a special hearing in the superior court, the people may file a petition for writ of mandate or prohibition, seeking appellate review of the ruling regarding the search or seizure motion. If the trial of a criminal case is set for a date which is less than 30 days from the granting of a defendant's motion at a special hearing in the superior court, the people, if they have not filed such a petition and wish to preserve their right to file such a petition, shall file in the superior court on or before the trial date or within 10 days after the special hearing, whichever occurs last, a notice of intention to file such a petition and shall serve a copy of the notice upon the defendant.

SEC. 2. It is the intent of the Legislature, if amendments to Section 1538.5 of the Penal Code proposed by both this bill and A.B. 1748 are enacted, that both amendments be given effect and incorporated in Section 1538.5 in the form set forth in Section 1.5 of this act. Therefore, in the event A B. 1748 is enacted and amends Section 1538.5, Section 1.5 of this act shall become operative at the same time that Section 1538 5 as amended by A.B. 1748 becomes operative, and at that time, Section 1538.5 of the Penal Code as amended by Section 1 of this act is repealed.

CHAPTER 1442

An act to add Section 23428.16 to the Business and Professions Code, and to add Section 172m to the Penal Code, relating to alcoholic beverages.

[Approved by Governor September 18, 1970 Filed with Secretary of State September 18, 1970]

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

SECTION 1. Section 23428.16 is added to the Business and Professions Code, to read:

23428.16. For purposes of this article, "club" also means any nonprofit social luncheon club which is composed entirely of active and retired professional men and businessmen, which has a membership of not less than 75 bona fide members and has been in existence more than one year, which holds regular meetings and has regular annual membership dues in excess of two hundred dollars ($200), which owns, leases, operates or maintains such establishment for the serving of regular meals to its members and their guests, and which has operated such establishment for not less than one year.

SEC. 2. Section 172m is added to the Penal Code, to read:

172m. The provisions of Section 172a shall not apply to the sale or the exposing or offering for sale of alcoholic beverages at premises licensed under any type of on-sale license issued pursuant to Division 9 (commencing with Section 23000) of the Business and Professions Code, which premises are located off of the grounds or campus of Leland Stanford Junior University near the City of Palo Alto.

CHAPTER 1443

An act to amend Section 25019 and 25100 of, to add Division 3 (commencing with Section 28000) to Title 4 of, and to repeal Division 3 (commencing with Section 28000) of Title 4 of, the Corporations Code, relating to retirement systems.

[Approved by Governor September 18, 1970 Filed with Secretary of State September 18, 1970]

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

SECTION 1. Section 25019 of the Corporations Code is amended to read:

25019. "Security" means any note; stock; treasury stock; membership in an incorporated or unincorporated association; bond; debenture; evidence of indebtedness; certificate of interest or participation in any profit-sharing agreement; collateral trust certificate; preorganization certificate or subscription; transferable share; investment contract; voting trust certificate; certificate of deposit for a security; certificate of interest or participation in an oil, gas or mining title or lease or in payments out of production under such a title or lease; any beneficial interest or other security issued in connection with a funded employees' pension, profit sharing, stock bonus, or similar benefit plan; or, in general, any interest or instrument commonly known as a "security"; or any certificate of interest or participation in, temporary or interim certificate for, receipt for, guarantee of, or warrant or

right to subscribe to or purchase, any of the foregoing. All of the foregoing are securities whether or not evidenced by a written document. "Security" does not include: (1) any beneficial interest in any voluntary inter vivos trust which is not created for the purpose of carrying on any business or solely for the purpose of voting, or (2) any beneficial interest in any testamentary trust, (3) any insurance or endowment policy or annuity contract under which an insurance company admitted in this state promises to pay a sum of money (whether or not based upon the investment performance of a segregated fund) either in a lump sum or periodically for life or some other specified period.

SEC. 1 5. Section 25019 of the Corporations Code is amended to read:

25019. "Security" means any note; stock; treasury stock; membership in an incorporated or unincorporated association; bond; debenture; evidence of indebtedness; certificate of interest or participation in any profit-sharing agreement; collateral trust certificate; preorganization certificate or subscription; transferable share; investment contract; voting trust certificate; certificate of deposit for a security; certificate of interest or participation in an oil, gas or mining title or lease or in payments out of production under such a title or lease; any beneficial interest or other security issued in connection with a funded employees' pension, profit sharing, stock bonus, or similar benefit plan; or, in general, any interest or instrument commonly known as a "security"; or any certificate of interest or participation in, temporary or interim certificate for, receipt for, guarantee of, or warrant or right to subscribe to or purchase, any of the foregoing. All of the foregoing are securities whether or not evidenced by a written document. "Security" does not include: (1) any beneficial interest in any voluntary inter vivos trust which is not created for the purpose of carrying on any business or solely for the purpose of voting, or (2) any beneficial interest in any testamentary trust, or (3) any insurance or endowment policy or annuity contract under which an insurance company admitted in this state promises to pay a sum of money (whether or not based upon the investment performance of a segregated fund) either in a lump sum or periodically for life or some other specified period, or (4) any franchise subject to registration under the Franchise Investment Law, or exempted from such registration by Section 31100 or 31101 of that law.

SEC. 2. Section 25100 of the Corporations Code is amended to read:

25100. The following securities are exempted from the provisions of Sections 25110, 25120, and 25130:

(a) Any security (including a revenue obligation) issued or guaranteed by the United States, any state, any city, county, city and county, public district, public authority, public corporation, public entity, or political subdivision of a state or any agency or corporate or other instrumentality of

any one or more of the foregoing; or any certificate of deposit for any of the foregoing.

(b) Any security issued or guaranteed by the Dominion of Canada, any Canadian province, any political subdivision or municipality of any such province, or by any other foreign government with which the United States currently maintains diplomatic relations, if the security is recognized as a valid obligation by the issuer or guarantor; or any certificate of deposit for any of the foregoing.

(c) Any security issued or guaranteed by and representing an interest in or a direct obligation of a national bank or a bank or trust company incorporated under the laws of this state, and any security issued by a bank to one or more other banks and representing an interest in an asset of the issuing bank.

(d) Any security issued or guaranteed by a federal savings and loan association or federal land bank or joint land bank or national farm loan association or by any savings and loan association which is subject to the supervision and regulation of the Savings and Loan Commissioner of this state.

(e) Any security (other than an interest in a real estate development), the issuance of which is subject to authorization by the Insurance Commissioner, the Public Utilities Commission, or the Real Estate Commissioner of this state.

(f) Any security consisting of any interest in all or portions of a parcel or parcels of real property which are subdivided lands or a subdivision or in a real estate development; provided that the exemption in this subdivision shall not be applicable to any investment contract sold or offered for sale with, or as part of, any such interest, or to any corporation engaged in the business of selling, distributing or supplying water for irrigation purposes or domestic use which is not a public utility.

(g) Any shares, investment certificates or borrower's membership certificates (as defined in the Savings and Loan Association Law) issued by a savings and loan association holding a license then in force from the Savings and Loan Commissioner of this state.

(h) Any security issued or guaranteed by any federal credit union, or by any credit union organized and supervised under the laws of this state.

(i) Any security issued or guaranteed by any railroad, other common carrier, public utility, or public utility holding company which is (1) subject to the jurisdiction of the Interstate Commerce Commission or (2) a holding company registered with the Securities and Exchange Commission under the Public Utility Holding Company Act of 1935 or a subsidiary of such a company within the meaning of that act or (3) regulated in respect of the issuance or guarantee of the security by a governmental authority of the United States, of any state, of Canada or of any Canadian province; and the secu-

rity is subject to registration with or authorization of issuance by such authority.

(j) Any security (except evidences of indebtedness, whether interest bearing or not) of an issuer (1) organized exclusively for educational, benevolent, fraternal, religious, charitable, social, or reformatory purposes and not for pecuniary profit, if no part of the net earnings of the issuer inures to the benefit of any private shareholder or individual, or (2) organized as a chamber of commerce or trade or professional association. The fact that amounts received from memberships or dues or both will or may be used to construct or otherwise acquire facilities for use by members of the nonprofit organization does not disqualify the organization for this exemption. This exemption does not apply to the securities of any nonprofit organization if any promoter thereof expects or intends to make a profit directly or indirectly from any business or activity associated with the organization or operation of such nonprofit organization or from remuneration received from such nonprofit organization.

(k) Any agreement, commonly known as a "life income contract," of an issuer (1) organized exclusively for educational, benevolent, fraternal, religious, charitable, social, or reformatory purposes and not for pecuniary profit and (2) which the commissioner designates by rule or order, with a donor in consideration of a donation of property to such issuer and providing for the payment to the donor or persons designated by him of income or specified periodic payments from the donated property or other property for the life of the donor or such other persons.

(*l*) Any note, draft, bill of exchange, or banker's acceptance which arises out of a current transaction or the proceeds of which have been or are to be used for current transactions, and which evidences an obligation to pay cash within nine months of the date of issuance, exclusive of days of grace, or any renewal of such paper which is likewise limited, or any guarantee of such paper or of any such renewal; except such promissory notes offered to the public in amounts of less than five thousand dollars ($5,000) in the aggregate to any one purchaser.

(m) Any security issued by any corporation organized and existing under the provisions of Chapter 1 (commencing with Section 54001) of Division 20 of the Agricultural Code

(n) Any beneficial interest or other security issued in connection with an employees' pension, profit-sharing, stock bonus or similar benefit plan which meets the requirements for qualification under Section 401 of the Federal Internal Revenue Code, or any statute amendatory thereof or supplementary thereto.

(o) Any security listed or approved for listing upon notice of issuance on the New York Stock Exchange; and any warrant or right to purchase or subscribe to any such security.

(p) A promissory note secured by a lien on real property, which is not one of a series of notes secured by interests in the same real property.

SEC. 3. Division 3 (commencing with Section 28000) of Title 4 of the Corporations Code is repealed.

SEC. 4. Division 3 (commencing with Section 28000) is added to Title 4 of the Corporations Code, to read:

DIVISION 3. RETIREMENT SYSTEMS DISCLOSURE LAW

CHAPTER 1. DEFINITIONS AND GENERAL PROVISIONS

28000. This division may be cited as the "Retirement Systems Disclosure Law."

28001. It is the policy of this law to protect the interests of participants in retirement systems by requiring disclosure and reporting to participants and beneficiaries of vital information where such information has not been reported or disclosed to such participants and beneficiaries under applicable federal law. It is the further policy of this law that the requirements for reporting and disclosure hereunder shall not be such as to duplicate any federal reporting and disclosure requirements nor shall they be such as to impose an unreasonable burden on employers or the administrators of retirement systems and thereby tend to discourage the establishment and continuation of such systems.

28002. As used in this division:

(a) "Retirement system" means any employees' pension, profit-sharing, stock bonus or similar benefit plan which meets the requirements for qualification under Section 401 of the Federal Internal Revenue Code or any statute amendatory thereof or supplementary thereto. Insofar as applicable to any retirement system, the terms "trust," "trust agreement," and "trust instrument" include the formal plan or plan description excluding any summary thereof, the trust instrument or agreement, the policy of insurance or related contract, if any, and any written administrative rules, regulations and interpretations governing the operation of the retirement system.

(b) "Employer" means any person acting directly as an employer or indirectly in the interest of an employer in relation to a retirement system, and includes a group or association of employers acting for an employer in such capacity.

(c) "Employee" means any individual employed by an employer.

(d) "Participant" means any employee or former employee of an employer or any member of an employee organization who is or may become eligible to receive a benefit of any type from a retirement system, or whose beneficiaries may be eligible to receive any such benefit.

(e) "Beneficiary" means a person designated by a participant or by the terms of a retirement system who is or may become entitled to a benefit thereunder.

(f) "Fiduciary" means any person who exercises any power of control, management or disposition with respect to any moneys or other property of a retirement system, or has authority or responsibility to do so. The commissioner may establish rules or regulations exempting any person as a fiduciary whose functions do not involve any significant risk that the moneys or other property of a retirement system will be applied for any purpose other than the exclusive benefit of the participants therein or the beneficiaries of such participants.

(g) "Party in interest" means any administrator, officer, trustee, custodian, counsel or employee of any retirement system, or a person providing services to any such system or an employer any of whose employees are covered by such a system or any person controlling, controlled by, or under common control with, such employer or officer or employee or agent of such employer, or such person, or a relative, partner, or joint venturer of any of the above-described persons.

(h) "Relative" means a spouse, ancestor, descendant, brother, sister, son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law or sister-in-law.

(i) "Administrator" means: (1) the person specifically so designated by the terms of the plan, trust agreement, contract, or other instrument under which the retirement system is operated; or (2) in the absence of such designation, the employer.

(j) "Participant account" means an account established or maintained by the administrator of a retirement system under which a participant's own contributions or his share of the employer's contributions, together with the income, gains, and losses from investment thereof, whether or not realized, are charged or credited. Nothing contained herein shall be deemed to require the administrator of any retirement system to maintain a participant account if under such system contributions are not specifically allocated to participants therein.

(k) "Person" means an individual, partnership, joint venture, corporation, mutual company, joint-stock company, trust, unincorporated organization, association, or employee organization.

(*l*) "Commissioner" means the Commissioner of Corporations.

28003. (a) Every person acting in the capacity of a fiduciary with respect to a retirement system shall be deemed a trustee and, as such, shall be subject to the obligations, duties, rights and liabilities imposed on trustees pursuant to Title 8 (commencing with Section 2215) of Part 4 of Division 3 of the Civil Code.

(b) The commissioner may establish rules or regulations exempting fiduciaries from subdivision (a) with respect to those activities which the commissioner determines do not involve any significant risk that the moneys or other property of a retirement system will be applied for any purpose other than

the exclusive benefit of the participants therein or the beneficiaries of such participants.

28004. No trust forming part of a retirement system shall be deemed invalid as violating any laws against perpetuities or suspension of the power of alienation of title to property; and the income arising from any property, real or personal, held in such trust may be permitted to accumulate until the fund is sufficient, in the opinion of the trustee or trustees thereof, to accomplish the purposes of the trust.

28005. The property of a retirement system, the portion of wages or salary of an employee deducted or to be deducted, the right of a participant or beneficiary to a benefit thereunder, and all his rights in the funds of the system, shall be exempt from taxation, attachment, garnishment, execution, and from the operation of any law relating to bankruptcy or insolvency.

28006. The provisions of this division, other than Sections 28004 and 28005, do not apply to a retirement system established by the government of the United States, or by any territory or insular possession thereof, or by the State of California or any county, city, municipal corporation, school district, or public district thereof, or by any group of employees of any of the foregoing governmental agencies, nor to the pension and retiring annuities system established by the Regents of the University of California.

28007. Any condition, stipulation, or provision which purports to waive any fiduciary's compliance with any provision of this law or any rule or order hereunder is void.

28008. If any provision of this division, or the application thereof to any person or circumstance, is held invalid, the remainder of this division, or the application of such provision to other persons or circumstances, shall not be affected thereby.

CHAPTER 2. REPORTING AND DISCLOSURE

28100. The administrator of every retirement system shall publish an annual report within one hundred and fifty (150) days after the end of the calendar or fiscal year on which the records of the system are kept. Such report shall include:

(a) The amount contributed by each employer; the amount contributed by the employees; the amount of benefits paid or otherwise furnished; a statement of the assets, liabilities, receipts and disbursements of the system; a statement of the salaries, fees and commissions charged to the system, to whom paid, in what amount, and for what purposes; the name and address of each administrator and fiduciary, his official position with respect to the system, his relationship to the employer, and any other office or position which he holds with any party in interest; and

(b) A detailed statement setting forth all information with respect to each transaction engaged in by the system of the

type described in Section 17637 of the Revenue and Taxation Code, regardless of whether such transaction constituted a "prohibited transaction" as defined in such section.

28101. The administrator of every retirement system which maintains participant accounts shall furnish annually to each participant a report setting forth the status of such participant's account as of the end of the preceding calendar or fiscal year on which the records of the system are kept. Each such report shall contain (a)(1) a statement of the fair value of the participant's account as of the reporting date and as of the immediately preceding reporting date or (2) in the case of a system which allocates securities the fair value of which is readily available to participants, a statement as of each of such dates of the aggregate securities so allocated; and (b) a statement of the contributions made during the reporting period by (1) the participant, and (2) the employer for the account of the participant. As used in this section, "fair value" means fair market value where available, and otherwise the fair value as determined in good faith by the administrator.

28102. The administrator of every retirement system providing insurance benefits shall furnish annually to each insured participant a description of such benefits.

28103. The commissioner may by rule or regulation specify the form of the reports required pursuant to this chapter. In lieu of such form, the administrator may complete and publish any form or forms containing substantially the information prescribed by Sections 28100, 28101 and 28102 required to be filed by the employer with the federal government to satisfy any federal tax or welfare and pension plan disclosure and reporting requirements. Retirement systems which file annual reports pursuant to the Federal Welfare and Pension Plans Disclosure Act (Pub.L. 85-836; 72 Stat. 997), as amended, containing substantially the information required by subdivision (a) of Section 28100, shall be exempt from the requirement of preparing any other annual report pursuant to subdivision (a) of Section 28100.

28104. Publication of the annual report required by Section 28100 shall be made as follows:

(a) The administrator shall make a copy of such annual report available for examination by any participant or beneficiary in the principal office of the administrator, if situated in this state, and otherwise in the principal branch office situated in this state, and if no office is situated in this state, the administrator shall mail a copy of such report to any participant or beneficiary who requests such copy in writing.

(b) The administrator, upon request of the commissioner, shall file with him a copy of such annual report and of any report required to be furnished pursuant to Sections 28101 and 28102.

(c) Whenever any administrator of a retirement system publishes as part of his annual report a detailed statement as

required by subdivision (b) of Section 28100, a copy of that portion of the annual report shall be filed with the commissioner no later than the date for publication of the annual report of the retirement system; in lieu of such a filing a copy of the statement required under Section 17637 of the Revenue and Taxation Code or of an equivalent filing required by the United States Internal Revenue Service may be filed.

28105. The administrator of every retirement system shall annually file with the commissioner a report setting forth all investment transactions conducted during the preceding calendar or fiscal year, and at the time of such filing pay to the commissioner a filing fee of twenty-five dollars ($25). The commissioner shall receive these reports and hold them available for inspection by participants and beneficiaries of the retirement system.

The provisions of this section shall not apply to any of the following:

(a) A retirement system in which all such contributions are paid to a trustee or cotrustee qualified and doing business in this state and subject to the supervision of the Superintendent of Banks or the Comptroller of the Currency, or in which all such contributions are paid to a trustee or cotrustee that is a bank and a member of a Federal Reserve bank:

(b) A retirement system in which all contributions are paid to an insurer authorized to do business in this state; or

(c) A retirement system which furnishes to all of its participants annually a statement in writing setting forth all investment transactions conducted during the preceding calendar or fiscal year.

28106. The participants of every retirement system shall be notified as to the location of the reports published under Sections 28100 and 28105. Such notification shall also indicate the participant's right to inspect such reports and include a statement that the Corporations Commissioner of this state is the state officer charged with the enforcement of the Retirement Systems Disclosure Law.

CHAPTER 3. ADMINISTRATION

28200. The commissioner may make such rules and regulations as are necessary to carry out the purposes and intent of this division.

28201. The Attorney General shall be counsel for the commissioner and shall render all legal services necessary for the administration of this division.

28202. Any order, decision, or other action of the commissioner in the administration of this division is subject to review in accordance with law.

CHAPTER 4. ENFORCEMENT

28300. For the purpose of discovering violations of this division and for securing information required by him, the commissioner may at any time investigate the affairs and examine the books, accounts, records and files of any retirement system and the administrator thereof, provided that nothing herein shall be construed to authorize an examination of the books or records of any bank or insurance company providing an insurance, investment, or related function of any retirement system if such books or records are subject to periodic examination by the Superintendent of Banks or Insurance Commissioner of this state or by the Comptroller of the Currency. The actual cost of every investigation and examination shall be paid to the commissioner by the person examined and the commissioner may maintain an action for the recovery of such costs in any court of competent jurisdiction.

28301. Any administrator who willfully fails to render any report or perform other duties required under this division shall upon conviction be punished by a fine of not more than one hundred dollars ($100) for each day such report is withheld or such duty is not performed, but not more than five thousand dollars ($5,000), or by imprisonment in the county jail for not more than one year, or be punished by both such fine and imprisonment.

28302. It is unlawful willfully to publish a false report under this division. Any person who willfully publishes such a false report shall upon conviction be fined not more than five thousand dollars ($5,000) or imprisoned in the state prison for not more than five years or in a county jail for not more than one year, or be punished by both such fine and imprisonment.

28303. Whenever he believes from evidence satisfactory to him that any individual has violated or is about to violate any provision of this division, or of Title 8 (commencing with Section 2215) of Part 4 of Division 3 of the Civil Code, the commissioner may order the individual to desist and to refrain from the violation or threatened violation of these divisions. If, after such an order has been made, a request for a hearing is filed in writing by the person to whom such order was directed, a hearing shall be held in accordance with the provisions of the Administrative Procedure Act, Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the commissioner shall have all of the powers granted thereunder; unless such hearing is commenced within 60 days after the request is made (or the person affected consents to a later date), such order is rescinded.

28304. Whenever the commissioner believes from evidence satisfactory to him that any individual has violated or is about to violate any provision of this division, or of Title 8 (commencing with Section 2215) of Part 4 of Division 3 of the

Civil Code, he may bring an action in the name of the people of the State of California in the superior court of the State of California, against the individual to enjoin the individual from continuing the violation or engaging therein, or doing any act or acts in furtherance thereof. In the action a preliminary or permanent injunction, restraining order, or writ of mandate may be granted and a receiver or conservator may be appointed for the defendant or the assets of the retirement systems involved. The court shall not require the commissioner to post a bond.

28305. If the commissioner, as a result of any examination or from any report made to him, finds that a retirement system is being conducted in such an unsafe or injurious manner as to render further operations hazardous to participants of a retirement system he may, after a hearing in accordance with the Administrative Procedure Act, Chapter 5 (commencing with Section 11500) Part 1, Division 3, Title 2 of the Government Code, order the retirement system to cease operations and to liquidate, or he may, without such hearing take possession of the business and assets for the protection of the participants of the retirement system; provided, however, that the commissioner may not take such action as to any retirement system in which all contributions are paid to a trustee or cotrustee qualified and doing business in this state and subject to the supervision of the Superintendent of Banks or the Comptroller of the Currency, or in which all such contributions are paid to a trustee or cotrustee that is a bank and a member of a Federal Reserve bank, or in which all such contributions are paid to an insurer authorized to do business in this state.

SEC. 5. It is the intent of the Legislature, if amendments to Section 25019 of the Corporations Code proposed by both this bill and Senate Bill No. 647 are enacted, that both amendments be given effect and incorporated in Section 25019 in the form set forth in Section 1.5 of this act. Therefore, in the event Senate Bill No. 647 is enacted and amends Section 25019, Section 1.5 of this act shall become operative at the same time that Section 25019 as amended by Senate Bill No. 647 becomes operative, and at that time, Section 25019 of the Corporations Code as amended by Section 1 of this act is repealed.

SEC. 6. This act shall become operative on January 1, 1971.

CHAPTER 1444

An act to add Section 169 to the Penal Code, relating to administration of justice, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 18, 1970. Filed with Secretary of State September 18, 1970.]

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

SECTION 1. Section 169 is added to the Penal Code, to read:

169. Any person who pickets or parades in or near a building which houses a court of this state with the intent to interfere with, obstruct, or impede the administration of justice or with the intent to influence any judge, juror, witness, or officer of the court in the discharge of his duty is guilty of a misdemeanor.

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 disruption of judicial proceedings by persons who picket and parade in or near buildings which house the courts has increased to such an extent that the administration of justice is threatened. In order to prevent this disruption and preserve the orderly processes of the judicial system, it is necessary that this act be given immediate effect.

CHAPTER 1445

An act to amend Section 13710 of, and to add Section 13711.5 to the Education Code, relating to public school employment.

[Approved by Governor September 18, 1970. Filed with Secretary of State September 18, 1970.]

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

SECTION 1. Section 13710 of the Education Code is amended to read:

13710. The commission shall prepare an annual budget for its own office which, upon the approval of the county superintendent of schools, shall be included by the governing board in the regular budget of the school district. The annual budget of the commission may include amounts for the purposes of Section 13711.5.

The budget shall be prepared for a public hearing by the commission to be held not later than May 30 of each year. The commission shall forward a copy of its proposed budget to the governing board indicating the time, date and place for the public hearing of the budget and shall invite board and district administration representatives to attend and present their views. The commission shall fully consider the views of the governing board prior to adoption of its proposed budget. The commission shall then forward its proposed budget to the county superintendent of schools for action.

If the county superintendent of schools proposes to reject the budget as submitted by the commission, he shall, within

30 days after the commission's submission of the budget, hold a public hearing on the proposed rejection within the affected district. He shall have informed both the commission and the governing board of the date, time and place of the hearing. He may after such public hearing either reject, or, with the concurrence of the commission, amend the proposed budget. In the absence of agreement between the personnel commission and the county superintendent the budget of the preceding year shall determine the amount of the new budget, and the items of expenditure shall be determined by the commission.

SEC. 2. Section 13711.5 is added to the Education Code, to read:

13711.5. The commission may, with respect to the staff of the commission, expend funds for their orientation, training, retraining, and development and for any purpose prescribed by Article 4.5 (commencing with Section 13670) of this chapter.

CHAPTER 1446

An act to amend Section 286 of the Vehicle Code, relating to vehicles.

[Approved by Governor September 18, 1970. Filed with Secretary of State September 18, 1970.]

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

SECTION 1. Section 286 of the Vehicle Code is amended to read:

286. The term "dealer" does not include:

(a) Insurance companies, banks, finance companies, public officials, or any other person coming into possession of vehicles in the regular course of business, who shall sell such vehicles under a contractual right or obligation, or in performance of an official duty, or in authority of any court of law; provided, such sale is for the purpose of saving the seller from loss or pursuant to the authority of a court of competent jurisdiction.

(b) Persons who sell or distribute vehicles of a type subject to registration for a manufacturer to vehicle dealers licensed under this code, or who are employed by manufacturers or distributors to promote the sale of vehicles dealt in by such manufacturers or distributors; provided, however, that if any such persons also sell vehicles at retail, they shall be deemed to be vehicle dealers and are subject to this code.

(c) Persons regularly employed as salesmen by vehicle dealers licensed under this code while acting within the scope of such employment.

(d) Persons exclusively engaged in the bona fide business of exporting vehicles or of soliciting orders for the sale and delivery of vehicles outside the territorial limits of the United States; provided, no federal excise tax is legally payable on any of such transactions, or such tax is legally refundable on

such transactions. Persons not exclusively engaged in the bona fide business of exporting vehicles but who are engaged in the business of soliciting orders for the sale and delivery of vehicles outside the territorial limits of the United States shall be exempt from licensure as dealers only if their sales of such vehicles produces less than 10 percent of their total gross revenue from all business transacted.

(e) Persons not engaged in the purchase or sale of vehicles as a business, disposing of vehicles acquired for their own use, or for use in their business when the same shall have been so acquired and used in good faith, and not for the purpose of avoiding the provisions of this code.

(f) Persons who are engaged in a business involving the purchase, sale or exchange of boat trailers.

(g) Persons who are engaged in a business activity which does not involve the purchase, sale or exchange of vehicles except incidentally in connection with the purchase, sale or exchange of vehicles of a type not subject to registration under this code, boat trailers or midget autos or racers advertised as being built exclusively for use by children, minibikes, tote goats, and vehicles of a similar nature which are not intended for use on the highways.

(h) Persons temporarily retained as auctioneers solely for the purpose of disposing of vehicle stock inventories on behalf of the owners thereof by means of public auctions at the location of such owners' place of business, or as otherwise approved by the department, provided intermediate physical possession or control of, or an ownership interest in such inventory is not conveyed to the persons so retained.

(i) Persons who are engaged exclusively in the business of purchasing, selling, servicing, or exchanging racing vehicles, parts for racing vehicles, and trailers designed and intended by the manufacturer exclusively for carrying racing vehicles. For purposes of this subdivision, "racing vehicle" means a motor vehicle of a type used exclusively in a contest of speed or in a competitive trial of speed which is not intended for use on the highways.

CHAPTER 1447

An act to amend Section 19253.5 of, and add Section 21023.5 to, the Government Code, relating to the Public Employees' Retirement System.

[Approved by Governor September 18, 1970. Filed with Secretary of State September 18, 1970.]

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

SECTION 1. Section 19253.5 of the Government Code is amended to read:

19253.5. (a) In accordance with board rule, the appointing power may require an employee to submit to a medical examination by a physician or physicians designated by the ap-

pointing power to evaluate the capacity of the employee to perform the work of his position.

(b) Fees for the examination and for the services of medical specialists or technicians, if necessary, shall be paid by the state agency. The employee may submit medical or other evidence to the examining physician or to the appointing power. The examining physician shall make a written report of the examination to the appointing power. The appointing power shall provide a copy to the physician designated by the employee.

(c) When the appointing power, after considering the conclusions of the medical examination and other pertinent information, concludes that the employee is unable to perform the work of his present position, but is able to perform the work of another position including one of less than full time, the appointing power may demote or transfer the employee to such a position.

The employee demoted or transferred pursuant to this section shall receive the maximum of the salary range of the class to which he is demoted or transferred, provided that such salary is not greater than the salary he received at the time of his demotion or transfer.

(d) When the appointing power after considering the conclusions of the medical examination provided for by this section or medical reports from the employee's physician, and other pertinent information, concludes that the employee is unable to perform the work of his present position, or any other position in the agency, and the employee is not eligible or waives the right to retire for disability and elects to withdraw his retirement contributions or to permit his contributions to remain in the retirement fund with rights to service retirement, the appointing power may terminate the appointment of the employee.

(e) The appointing power may demote, transfer or terminate an employee under this section without requiring the employee to submit to a medical examination, when the appointing power relies upon a written statement submitted to the appointing power by the employee as to the employee's condition or upon medical reports submitted to the appointing power by the employee.

(f) The employee shall be given written notice of any demotion, transfer, or termination under this section at least 15 days prior to the effective date thereof. No later than 15 days after service of such notice, the employee may appeal the action of the appointing power to the board. The board, in accordance with its rules, shall hold a hearing. The board may sustain, disapprove, or modify the demotion, transfer, or termination.

(g) Whenever the board revokes or modifies a demotion, transfer, or termination, the board shall direct the payment of salary to the employee calculated on the same basis and using

the same standards as provided in Government Code Section 19584.

(h) Upon the request of an appointing authority or the petition of the employee who was terminated, demoted, or transferred in accordance with this section, the employee shall be reinstated to an appropriate vacant position in the same class, in a comparable class or in a lower related class if it is determined by the board that the employee is no longer incapacitated for duty. Such a reinstatement to a position in a different agency may be made only with the concurrence of that agency. In approving or ordering such reinstatements, the board may require the satisfactory completion of a new probationary period. When the board finds the employee who was terminated, demoted or transferred is no longer incapacitated for duty but there is no vacant position to which he appropriately can be appointed, the name of the employee shall be placed upon such reemployment lists as are determined to be appropriate by the board.

SEC. 2. Section 21023.5 is added to the Government Code, to read:

21023.5. Notwithstanding any other provision of law, an employer may not separate because of disability a member otherwise eligible to retire for disability but shall apply for disability retirement of any member believed to be disabled, unless the member waives the right to retire for disability and elects to withdraw contributions or to permit contributions to remain in the fund with rights to service retirement as provided in Section 20393.

SEC. 3. Section 19253.5 of the Government Code is amended to read:

19253.5. (a) In accordance with board rule, the appointing power may require an employee to submit to a medical examination by a physician or physicians designated by the appointing power to evaluate the capacity of the employee to perform the work of his position.

(b) Fees for the examination and for the services of medical specialists or technicians, if necessary, shall be paid by the state agency. The employee may submit medical or other evidence to the examining physician or to the appointing power. The examining physician shall make a written report of the examination to the appointing power. The appointing power shall provide a copy to the physican designated by the employee.

(c) When the appointing power, after considering the conclusions of the medical examination and other pertinent information, concludes that the employee is unable to perform the work of his present position, but is able to perform the work of another position including one of less than full time, the appointing power may demote or transfer the employee to such a position.

Except as authorized by the board under the provision of Section 18860, the employee demoted or transferred pur-

suant to this section shall receive the maximum of the salary range of the class to which he is demoted or transferred, provided that such salary is not greater than the salary he received at the time of his demotion or transfer.

(d) When the appointing power after considering the conclusions of the medical examination provided for by this section or medical reports from the employee's physician, and other pertinent information, concludes that the employee is unable to perform the work of his present position, or any other position in the agency, and the employee is not eligible or waives the right to retire for disability and elects to withdraw his retirement contributions or to permit his contributions to remain in the retirement fund with rights to service retirement, the appointing power may terminate the appointment of the employee.

(e) The appointing power may demote, transfer or terminate an employee under this section without requiring the employee to submit to a medical examination, when the appointing power relies upon a written statement submitted to the appointing power by the employee as to the employee's condition or upon medical reports submitted to the appointing power by the employee.

(f) The employee shall be given written notice of any demotion, transfer, or termination under this section at least 15 days prior to the effective date thereof. No later than 15 days after service of such notice, the employee may appeal the action of the appointing power to the board. The board, in accordance with its rules, shall hold a hearing. The board may sustain, disapprove, or modify the demotion, transfer, or termination.

(g) Whenever the board revokes or modifies a demotion, transfer, or termination, the board shall direct the payment of salary to the employee calculated on the same basis and using the same standards as provided in Government Code Section 19584.

(h) Upon the request of an appointing authority or the petition of the employee who was terminated, demoted, or transferred in accordance with this section, the employee shall be reinstated to an appropriate vacant position in the same class, in a comparable class or in a lower related class if it is determined by the board that the employee is no longer incapacitated for duty. Such a reinstatement to a position in a different agency may be made only with the concurrence of that agency. In approving or ordering such reinstatements, the board may require the satisfactory completion of a new probationary period. When the board finds the employee who was terminated, demoted or transferred is no longer incapacitated for duty but there is no vacant position to which he appropriately can be appointed, the name of the employee shall be placed upon such reemployment lists as are determined to be appropriate by the board.

SEC. 4. It is the intent of the Legislature, if amendments to Section 19253.5 of the Government Code, proposed by both Section 1 of this bill and Assembly Bill No. 377 are enacted, that both amendments be given effect and incorporated in Section 19253.5 in the form set forth in Section 3 of this act. Therefore, in the event Assembly Bill No. 377 is enacted and amends Section 19253.5, Section 3 of this act shall become operative at the same time that Section 19253.5 as amended by Assembly Bill No. 377 becomes operative, and at that time, Section 19253.5 of the Government Code as amended by Section 1 of this act is repealed.

CHAPTER 1448

An act to add Division 5.1 (commencing with Section 1220) and Division 6.1 (commencing with Section 3955) to the Harbors and Navigation Code, and to repeal Section 56.5 of, and to add Section 56.5 to, the Humboldt Bay Harbor, Recreation, and Conservation District Act, as enacted by Senate Bill No. 382 of the 1970 Regular Session, relating to pilots for Humboldt Bay and Bar.

[Approved by Governor September 18, 1970. Filed with Secretary of State September 18, 1970.]

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

SECTION 1. Division 5.1 (commencing with Section 1220) is added to the Harbors and Navigation Code, to read:

DIVISION 5.1. PILOTS FOR HUMBOLDT BAY AND BAR

CHAPTER 1. GENERAL PROVISIONS

Article 1. Definitions

1220. "Pilot" means pilot for Humboldt Bay and Bar.

1220.1. "Board" means the Board of Pilot Commissioners for Humboldt Bay and Bar.

Article 2. Qualifications

1221. A person may not be appointed or licensed as a pilot unless he:

(a) Is an American citizen.

(b) Is over the age of 21 years, and not over the age of 70 years. No other limitation of age shall be imposed.

(c) Has a practical knowledge of the management of motorships, steam vessels and of the tides, soundings, bearings, and distances of the several shoals, bars, rocks, points of land, lighthouses, and fog signals of the ports and harbors for which he is appointed.

(d) Is of good moral character, temperate, and possesses the skill and ability necessary to discharge the duties of pilot.

1222. Pilots licensed by the board shall be carefully examined as to their qualifications, and, if found to be qualified and worthy, they shall receive licenses as pilots for a term of 12 months. Licenses shall be renewed annually unless the board has good cause to withhold renewal. Whenever the board deems they have cause, or intends for any reason to withhold renewal of a pilot's license, the secretary of the board shall serve notice, in writing, on the pilot, specifying the causes, at least 10 days before the expiration of his license. The pilot is thereupon entitled to a full hearing before the board. The proceedings shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code and the board shall have all the powers granted therein.

1223. Every pilot shall execute an official bond in the sum of five thousand dollars ($5,000), to be approved by the board. The bonds of pilots appointed by the board shall be filed with the board.

Article 3. Rights and Duties

1225. All vessels, their tackle, apparel, and furniture, and their master and owners and agents are jointly and severally liable for pilotage fees, which may be recovered in any court of competent jurisdiction.

1226. If any pilot, in endeavoring to assist or relieve any vessel in distress, suffers loss or damage to his vessels, sails, tackle, rigging or appurtenances the master, owner, or consignee of the vessel shall pay for such loss or damage, which is to be ascertained by the board.

1227. Every pilot, on boarding a vessel, when required by its master, shall exhibit his commission or license as pilot. A refusal so to do subjects him to a forfeiture of his commission or license, and to a liability of fifty dollars ($50) on his bond in a suit instituted for that purpose by the authority appointing him.

1228. A pilot carried to sea against his will, or unnecessarily detained on board a vessel when a pilot vessel is in attendance to receive him, is entitled to receive twenty-five dollars ($25) a day while necessarily absent or detained; but the total amount to which he is entitled in any one case shall not exceed one thousand dollars (1,000) Recovery may be had by action against the master or owner of the vessel taking him away.

1229. When cruising offshore or standing out to sea, pilots shall go to the vessel nearest to shore, or in the most distress, or incur a penalty of one hundred dollars ($100). For refusing to go on board a vessel when required, a like penalty of one hundred dollars ($100) is incurred. Upon having a penalty recovered against him, for either cause, the pilot may be suspended or expelled, at the discretion of the board.

1230. For every violation of the duties and regulations provided in this article a pilot incurs a liability on his official bond, to the party aggrieved, to the amount of the damages sustained.

Article 4. Offenses

1235. Any person who does not hold a license as a pilot, who pilots any vessel into or out of the Harbor of Humboldt Bay, is guilty of a misdemeanor punishable by a fine not exceeding five hundred dollars ($500) or by imprisonment not exceeding 90 days, and he shall pay to the pilot entitled to pilot the vessel the amount of pilotage or towage collected by him.

Chapter 2. Board of Pilot Commissioners

Article 1. Generally

1240. There is in the state government a Board of Pilot Commissioners for Humboldt Bay and Bar, consisting of three members, appointed by the Governor.

1241. The members of the board shall reside in Eureka, Humboldt County, and shall have been such residents for at least two years. Two of the members shall be businessmen and the other one shall be a shipmaster or nautical man. They shall hold their offices during the pleasure of the power appointing them, not exceeding four years from the date of their commissions.

1242. The members of the board shall each receive the sum of four dollars ($4) for each day actually employed in the discharge of their duties, and they shall also receive all necessary expenses for stationery, lights, and fuel used in their office. These sums shall be deducted from the moneys received by them before depositing the balance in the county treasury.

1242.5. The board shall organize and elect from its members a president, and a secretary, who shall be treasurer. It shall provide for itself offices in the City of Eureka at which it shall meet on the first Mondays in January, April, July, and October.

1243. The president of the board may administer oaths in regard to any matter properly before it and he may issue subpoenas in like cases for witnesses. A witness disobeying such subpoena served on him shall incur a penalty of one hundred dollars ($100), which may be recovered by the president in a civil action. The provisions of this section shall not apply to proceedings conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

1243.5. The board may adjourn its regular meetings from time to time, and it shall hold special meetings on notice of one member, published in a newspaper in Humboldt County five days prior to the proposed meeting.

1244. The board may make bylaws and rules for its own government and for the government of the pilots, and fix pen-

alties for their breach. A copy of the rules and penalties shall be furnished to each pilot.

1244.5. The secretary shall keep a journal of all the board's proceedings and acts, and a register of all pilots appointed, their residence and date of license. He shall, under order of the board, issue, and countersign licenses which shall be signed by the president.

1246. The members of the board shall not have any interest in any pilot vessel or steam tug, nor in the earnings thereof, other than for compensation as provided in this chapter. Anyone violating this section forfeits his office.

1247. In the first week in January of each year the secretary of the board shall cause to be published in a newspaper published in Humboldt County a full account of all the receipts and expenditures for the year previous.

1248. All claims against the commissioners shall be considered at a stated meeting, and if correct they shall be allowed and paid.

Article 2. Regulations

1250. The board may appoint for Humboldt Bay and Bar such number of pilots as are necessary, who shall be subject to removal by the board at any time.

1251. The board is entitled to charge for each license to a pilot a sum not exceeding fifty dollars ($50). Any American citizen who is a master of a coasting-vessel which is under 175 tons burden, may, upon application to the board, obtain a special license for the use of that vessel only, by paying the board for the license at the rate of one dollar ($1) per ton.

1252. Pilots appointed by the board shall be carefully examined as to their qualifications and, if found to be qualified and worthy, they shall receive licenses as pilots for the term of 12 months. Their license shall be annually renewed unless the board has good cause to withhold renewal.

Whenever the board deems it has good cause, or intends for any reason to withhold renewal, the secretary of the board shall serve notice in writing on the pilot, specifying the causes, at least 10 days before the expiration of his license and the pilot is entitled to a full hearing before the board. The proceedings shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code and the board shall have all the powers granted therein.

1253. The board shall from time to time and in consultation with the licensed pilots, fix reasonable rates for pilotage for all vessels into or out of the Harbor of Humboldt Bay. These rates shall not be less than two dollars and fifty cents ($2.50) per foot deepest draft to the nearest six inches plus two cents ($0.02) per net registered ton, unless mutually agreed upon between the pilots and the board. Schedule of rates as follows:

(a) A minimum fee of sixty dollars ($60) for pilotage into or out of Humboldt Bay shall be charged, and for vessels

having no net tonnage, five dollars and seventy-five cents ($5.75) per foot shall be charged.

(b) For shifting ship, upper bay, twenty-five dollars ($25) shall be charged. For shifting ship to or from south bay, thirty dollars ($30) shall be charged. Night moves, upper bay, only five dollars ($5) additional shall be charged.

(c) For towing, an amount to be agreed upon between the parties.

1254. A pilot boarding any vessel displaying a signal for a pilot is entitled to receive full pilotage.

1255. The pilot who brings any vessel into the port has priority in piloting or towing it out, and the master of the vessel outward bound shall apply for pilotage or towage on board the pilot vessel which brought the vessel in, and he shall tender the pilotage or towage fee. The pilot, or a suitable substitute, shall immediately render the required service, and for a failure so to do forfeits his appointment. If the pilot, in bringing the vessel in, was guilty of negligence, he has no right of priority.

1256. The master, owner, or consignee of any vessel to whom any pilot has rendered, upon request of either of them, any extra service for the preservation of the vessel while in distress, if no special agreement has been made, shall pay the pilot, in addition to his regular fees, such amount as the board determines to be reasonable and just.

1257. If any vessel bound for Humboldt Bay is lost or unnecessarily detained for want of a pilot after raising a signal for a pilot within two miles of the bar, the pilots may be disciplined by the board; provided, if in the pilot's judgment, the bar was unsafe to cross out to board the vessel and due diligence was shown by him in this respect, the pilot shall be held blameless.

1258. The board shall sue for and recover all penalties and forfeitures from pilots, masters, or owners of vessels, or other persons, or from the vessels, violating any of the provisions of this division. The money so collected shall be paid into the County Treasury of Humboldt County, for the use of the public schools but the board shall first deduct enough to defray its salaries and necessary expenses.

1259. Every pilot of the Harbor of Humboldt Bay shall once in each quarter prior to the regular meeting of the board, upon blanks to be furnished by the board, render a verified account to the board of all moneys received by him, or by any other person for him, or on his account, and he shall pay not more than 5 percent to the board, the exact amount to be determined by the board from time to time, in full compensation for its secretary and treasurer and members. The account shall show:

(a) The name of each vessel piloted.

(b) The name of each vessel for which pilotage has been charged or collected.

(c) The amount charged to, or collected from each vessel.

(d) Where the vessel is registered.
(e) The depth of its draft and its tonnage.
(f) Whether it was inward or outward bound.

The secretary of the board shall record the account in a book prepared for that purpose, which book shall at all times be open to public inspection.

1260. If, in order to sail a vessel and due to rough weather, a pilot is carried to sea or if a pilot is requested to travel to join a vessel in a port other than Humboldt Bay, he shall be entitled to twenty-five dollars ($25) per day compensation plus the actual transportation expense and subsistence incurred by him.

The day of crossing the bar either in or out shall not be counted as a travel day as the usual pilotage fee shall prevail. A day shall be reckoned from midnight to midnight.

All claims for such travel compensation shall be made against the vessel and owners and they shall be liable for the payment of same in the usual manner as other claims for services against the vessel.

Article 3. Suspension and Revocation of Licenses

1265. Licenses of pilots are forfeited and shall be revoked by the board in the following cases:

(a) A failure to renew his bond or sureties when required by the board.
(b) Willful violation of any duty prescribed by law or by a regulation of the board.
(c) Negligently losing a vessel.
(d) Mental derangement.
(e) Habitual drunkenness.

Notice of any charge and an opportunity to defend himself shall be given to the accused pilot before his removal. 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 board shall have all the powers granted therein.

1266. The board may also suspend or revoke the licenses of pilots appointed by it for their incapacity or misconduct.

1267. The board shall observe and enforce the following regulations:

(a) A pilot absenting himself from his duty for more than two months except by leave of absence from the board or injury or illness or by service in the armed forces of the United States, forfeits his license.

(b) Each pilot's license shall be renewed automatically by the board annually except for cause as provided in Sections 1265 and 1266 or resignation or retirement.

(c) If a pilot becomes intoxicated while in charge of a vessel, he shall be suspended or dismissed at the discretion of the board and his license withdrawn.

SEC. 1.5. Division 6.1 (commencing with Section 3955) is added to the Harbors and Navigation Code, to read:

DIVISION 6.1. BOARD OF HARBOR COMMISSIONERS FOR HUMBOLDT BAY

CHAPTER 1. ADMINISTRATION

3955. The Board of Harbor Commissioners for Humboldt Bay consists of three members who shall be appointed by the Governor, by and with the consent and advice of the Senate. The term of office of each member is four years. Appointments to fill vacancies shall be for the unexpired term. In making his appointments the Governor shall designate one of the appointees to act as ex officio surveyor of the port and secretary of the board. The annual salary of the member of the board who is ex officio surveyor of the port and secretary of the board is one thousand eight hundred dollars ($1,800). The annual salary of each of the other members is five hundred dollars ($500).

The board is hereby vested with the power, duty and responsibility of controlling the Port of Eureka. The port shall be in charge of the surveyor of the port.

3956. All of the powers, duties, purposes and responsibilities of the Department of Public Works with respect to the Port of Eureka, Humboldt Bay, and Eureka Harbor are hereby transferred to the Board of Harbor Commissioners for Humboldt Bay.

As used in this division, "board" means the Board of Harbor Commissioners for Humboldt Bay.

3957. It is the duty of the surveyor to collect, from day to day, all data necessary to enable the board to compile the reports mentioned in this division. He shall enforce and carry into effect regulations as the board may adopt.

3958. The board shall keep its office open from 9 a.m. until 5 p m. on all days except legal holidays

The board shall also keep a full and correct record of all steam and sailing vessels entering and arriving or clearing and departing to and from Humboldt Bay, with a complete detailed record of their cargoes, and the port to which they sail or from which they have sailed.

The board shall also cause such reports to be printed semiannually.

CHAPTER 2. POWERS

Article 1. In General

3960. The board may promulgate regulations and take any action which is necessary or proper for the protection of navigation in Humboldt Bay and so far as the tide ebbs and flows in any slough or creek which empties into the bay.

3961. The board may regulate:

(a) The erection and extension of wharves and prescribe the plans and dimensions thereof and regulate the tolls, wharfage or dockage to be charged.

(b) The manner of constructing booms and limit their extension into the waters of the bay.

(c) The laying of submarine cables in the waters of Humboldt Bay and the interference and destruction of such submarine cables.

3962. The board may regulate the manner in which rafts or vessels shall lie at anchor or be moved to any wharf.

3963. The board may prevent and remove obstructions to the regular ebb and flow of the tides and the deposit and escape into the waters of the bay, of substances likely to injure, interfere with, or impede navigation, or to create shoals or shallows in, or lessen the depth of the waters of the bay.

3964. The board may regulate the speed of vessels moving in the channel or stream along the waterfront of the City of Eureka.

Article 2. Private Wharves

3970. A person who desires to construct, erect, or extend any wharf or boom in the waters of Humboldt Bay, or of any slough or creek emptying into the bay, so far as the tide ebbs and flows, shall make to the board an application in writing, signed by the applicant, and containing a map or plat or plan showing:

(a) The location of the proposed wharf or boom and the lands and waters bordering.

(b) The names of the owners, occupants, and claimants of such lands and waters, or of the use thereof.

(c) The dimensions, form, and construction of the wharf or boom, and the distance into and along the waters it will extend.

(d) The uses and purposes to and for which the structure is to be applied.

(e) The convenience or necessity, public or private, of or for the same.

3971. Upon the filing of the application, the board shall appoint a time for hearing which shall be at least 10 days and not more than 20 days thereafter.

3972. Notice of the hearing shall be given by publication in at least one daily newspaper, published in the County of Humboldt, three times in the week preceding the time appointed for hearing, and the board may at any time order other, further, or additional notice to be given.

3973. At the time and place appointed for hearing, or at any other time and place to which the hearing may be continued or adjourned, upon proof being made that notice of the hearing has been given as provided by this article, the board shall proceed to the examination of the application and it shall hear persons that may be before it, touching or concerning the application.

After the hearing, the board shall either refuse the application, or grant it, or make any conditions, restrictions, limitations, alterations, or additions which are necessary and proper for the protection of navigation in Humboldt Bay, and in the

creeks and sloughs emptying into the bay, so far as the tide ebbs and flows therein.

3974. A person shall not build or construct any bulkhead on or along the waters of Humboldt Bay without first having obtained permission to do so from the board; and whenever permission is granted to build or construct one, it shall be built or constructed out of good, merchantable spiles, or other material satisfactory to the board, and not beyond the established United States bulkhead line. The work shall be done under the supervision of the surveyor.

3975. Every person who erects or extends, or causes to be erected or extended, any wharf, boom, or bulkhead, in the waters of Humboldt Bay, or in the waters of any creek or slough emptying into the bay, so far as the tide ebbs and flows, without complying with regulations of the board and the provisions of this article, and who fails to obtain permission of the board, is guilty of a misdemeanor, punishable by a fine not to exceed five hundred dollars ($500), or by imprisonment.

Article 3. Obstructions and Encroachments

3980. If the waters of Humboldt Bay, or any of the sloughs or creeks emptying into it, or the branches of such creeks or sloughs, so far as the tide ebbs and flows, are encroached upon or obstructed by dikes, dams, or in any other manner that will interfere with the regular ebb and flow of the tide, or which encroachment or obstruction violates any of the regulations of the board, the board may order the encroachment or obstruction removed.

3981. Notice shall be given to the person causing or owning the encroachment or obstruction, or left at his place of residence if he is known and resides in the county; if not, it shall be posted upon the encroachment or obstruction by the surveyor. The notice shall specify the place and extent of the encroachment or obstruction and shall notify the person causing the encroachment or obstruction, or owning it, to remove it within 10 days.

3982. If the encroachment or obstruction is not removed or its removal commenced and diligently prosecuted prior to the expiration of the 10 days from the service or posting of the notice, the one who caused, owns or controls the encroachment or obstruction incurs a penalty of ten dollars ($10) for each day it remains unremoved. If the encroachment or obstruction effectually obstructs and prevents the use of the bay or slough or branches thereof, the surveyor shall forthwith, by direction of the board, remove it.

3983. If the encroachment or obstruction is denied, and the owner, occupant, or person controlling the matter or thing alleged to be an encroachment or obstruction, refuses either to remove it or to permit its removal, the board shall commence an action in its own name, to abate the same as a nuisance, and if the board recovers judgment, it may in addition

to having the same abated, recover ten dollars ($10) for every day the nuisance remains after notice, plus its costs in the action.

3984. If the encroachment or obstruction is not denied, and it is not removed within five days after notice is complete, the board may require the surveyor to remove it at the expense of the owner, occupant, or person causing or controlling it. The board may recover its costs and expenses, and also for each day the obstruction or encroachment remains after notice is complete, the sum of ten dollars ($10), in an action brought in the name of the board for that purpose.

3985. All money recovered pursuant to Section 3984 shall be paid into the Treasury of the County of Humboldt for the use and benefit of the County of Humboldt.

CHAPTER 3. POLICE REGULATIONS

3990. Every master, agent, or owner of any vessel who fails to obey the lawful orders or directions of the surveyor in any matter pertaining to the regulations of the harbor, is guilty of a misdemeanor, punishable by a fine not to exceed five hundred dollars ($500) or by imprisonment not to exceed six months.

3991. Every person who violates any regulations of the board made in pursuance of the powers conferred by this division is guilty of a misdemeanor, punishable by a fine not exceeding five hundred dollars ($500) or by imprisonment not exceeding six months.

SEC. 2. Section 56.5 of the Humboldt Bay Harbor, Recreation, and Conservation District Act, as enacted by Senate Bill No. 382 of the 1970 Regular Session, is repealed.

SEC. 3. Section 56.5 is added to the Humboldt Bay Harbor, Recreation, and Conservation District Act, as enacted by Senate Bill No. 382 of the 1970 Regular Session, to read:

Sec. 56.5. The board shall regulate and control the pilotage and towing of all vessels.

SEC. 4. Sections 1 and 1.5 of this act shall become operative only if Senate Bill No. 382 is not enacted by the Legislature at its 1970 Regular Session, and in such case, Sections 1 and 1.5 of this act shall become operative on January 1, 1971.

SEC. 5. Sections 2 and 3 of this act shall become operative only if Senate Bill No. 382 is enacted by the Legislature at its 1970 Regular Session, and in such case, at the same time as Senate Bill No. 382 takes effect.

CHAPTER 1449

An act to amend Sections 18901 and 18902 of, and to add Section 18903.5 to, the Health and Safety Code, relating to building standards.

[Approved by Governor September 18, 1970. Filed with Secretary of State September 18, 1970.]

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

SECTION 1. Section 18901 of the Health and Safety Code is amended to read:

18901. There is in the Department of General Services a State Building Standards Commission consisting of the Director of General Services and 10 members appointed by the Governor subject to confirmation by the Senate.

All appointed members of the commission shall be experienced in building construction and building codes and standards, except that the public members need not have such experience.

The Governor shall appoint (a) three members from among the professions and industries concerned with building construction, of whom one shall be an architect, one a structural engineer and one a contractor; (b) three members from among the general public; (c) one member from organized labor in the building trades; and (d) three members from among local government officials.

The members of the commission shall serve without compensation. Members of the commission who are not state officers shall be paid their actual necessary travel expenses.

The term of office of such appointed members shall be four years and they shall hold office until the appointment and qualification of their successors. The terms of two members of the commission in office on the effective date of the amendments to this section enacted at the 1965 Regular Session of the Legislature shall expire on January 1, 1966, the term of three on January 1, 1967, the term of two on January 1, 1968, and the term of three on January 1, 1969. The term of each such member shall be determined by lot.

The Director of General Services shall serve as the chairman of the commission. The Director of General Services may, as provided in Section 7.5 of the Government Code, designate a Deputy Director of the Department of General Services to act in his place as chairman. The commission shall elect a vice chairman annually from among its members.

The State Architect shall be an advisory member, and the Governor may appoint advisory members from the state agencies which administer and enforce building regulations.

The Director of General Services shall provide the necessary staff services to the commission and may appoint, in accordance with civil service and other provisions of law, such officers and

employees as may be necessary to carry out the intent and purposes of this part.

SEC 2. Section 18902 of the Health and Safety Code is amended to read:

18902. The commission shall in cooperation with all state agencies concerned, rewrite where necessary, promulgate and publish in accordance with the Administrative Procedure Act a single State Building Standards Code of all administrative building regulations of state agencies relating to building standards which are enforced or supervised by state agencies, which code may include administrative regulations. The State Building Standards Commission shall adopt, by means of reference, applicable national specifications, published standards, and model codes, where appropriate, using exceptions where necessary. Such code shall indicate the agency having responsibility vested by law for the administration of each building regulation. The code shall include an index and reference guide. The provisions of such code shall when adopted and published as provided in this part, supersede all then existing administrative regulations relating to building standards issued by individual state agencies. Thereafter, such state agencies shall use the nomenclature and arrangement adopted by the commission as provided in this part.

The commission may approve and publish amendments to the code not oftener than once a year, except that by three-fourths vote of all its members the commission may find that an emergency exists and may then adopt and publish amendments as needed.

Such code may contain references to state laws relating to building standards, to model codes, published standards, or national specifications.

Such code shall be known as the State Building Standards Code.

The Department of General Services shall publish the State Building Standards Code and all amendments and publications relating thereto, excepting therefrom the text of those national specifications, published standards, and model codes which have been adopted by means of reference, in suitable looseleaf form and shall make it available to the public at a reasonable price. It shall be the duty of each state department concerned and of each city or county to have an up-to-date copy of the code available for public inspection.

The commission may purchase, stockpile, and sell to the public at a reasonable price any referenced materials, and may publish and sell to the public at a reasonable price any referenced material that it deems is not adequately available.

SEC. 3. Section 18903.5 is added to the Health and Safety Code, to read:

18903.5. At least one member of the commission may attend any meeting held by any state agency or department to review or make any decision relating to building standards to advise and assist such agency or department.

CHAPTER 1450

An act to amend Sections 12902, 13220, 13220.3, 13220.9, 13220.17, 13220.18, and 13948 of, to add Article 1.8 (commencing with Section 13200.51) to Chapter 2 of Division 10 of, and to add Sections 197.5 and 13113.5 to, the Education Code, relating to employment in the public schools, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 18, 1970. Filed with Secretary of State September 18, 1970.]

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

SECTION 1. Section 197.5 is added to the Education Code, to read:

197.5. The board and the Department of Education or the Commission for Teacher Preparation and Licensing may enter into a written agreement pursuant to which the department or commission shall perform administrative tasks relating to credentials and certificates of qualification issued by the board. The department or commission shall receive all fees paid in connection with credentials and certificates of qualifications for which it renders services to the board in full payment for such services and for the materials and equipment it uses to carry out its duties pursuant to such an agreement.

SEC. 2. Section 12902 of the Education Code is amended to read:

12902. "Education position" or "position requiring certification qualifications" includes every type of service for which certification qualifications are established by or pursuant to Sections 12901 to 12913, inclusive, Sections 13055 and 13056, Sections 13101 to 13112, inclusive, Sections 13117 to 13186, inclusive, Section 13251, and Article 1.5 (commencing with Section 13187) and Article 2.4 (commencing with Section 13220) of Chapter 2 of this division.

SEC. 2.3. Section 13113.5 is added to the Education Code, to read:

13113.5. The commission shall, at the time or times at which the provisions of this chapter become operative, succeed to any powers, duties, and responsibilities theretofore vested in the State Board of Education with respect to the licensing of community college personnel.

SEC. 2.5. Article 1.8 (commencing with Section 13200.51) is added to Chapter 2 of Division 10 of the Education Code, to read:

Article 1.8. Credentials for Service in Grades 13 and 14

13200.51. In Chapter 1549 of the Statutes of 1967, the Legislature established the Board of Governors of the California Community Colleges (hereinafter referred to as the board of governors) and gave to it the powers which the State Board of Education, the Superintendent of Public Instruction,

the State Department of Education, and the Director of Education (hereinafter referred to collectively as the Board of Education) held with respect to the management, administration, and control of community colleges. It was the intent of the Legislature that the board of governors succeed to the powers of the Board of Education in relation to certification of personnel for service in grades 13 and 14. In order to make this succession of power effective and to clarify the authority of each of these bodies and officers in relation to certification, the Legislature has enacted this article.

13200.52. As used in this article "credential" means any credential authorizing service both in grades 13 and 14 and in other grades.

13200.53. The authority over credentials and certificates which authorize service both in grades 13 and 14 and in other grades shall be divided between the board of governors and the Board of Education or the Commission for Teacher Preparation and Licensing. The board of governors shall have the authority to issue, suspend, revoke, or take any other lawful action on such credentials in relation to their authorization for service in grades 13 and 14. The Board of Education or the Commission for Teacher Preparation and Licensing shall have the authority to issue, suspend, revoke, or take any other lawful action on such credentials in relation to their authorization for services in grades other than grades 13 and 14.

13200.54. Notwithstanding the provisions of Sections 13200.53 and 13200.55, the Board of Education or the Commission for Teacher Preparation and Licensing shall have the authority to renew any credential which was issued by it before the effective date of the enactment of this article.

13200.55. In all respects, credentials under the jurisdiction of either the board of governors or the Board of Education or the Commission for Teacher Preparation and Licensing shall be considered separate and apart from credentials under the jurisdiction of the other board even though both boards may act pursuant to the same provision of this code. A person who desires to have available the full authorization of such a credential must hold both a credential issued by the Board of Education or the Commission for Teacher Preparation and Licensing and a credential issued by the board of governors.

13200.56. Persons holding credentials which are presently in force shall not be required to obtain new credentials from the board of governors and the Board of Education or the Commission for Teacher Preparation and Licensing. A person who holds a credential issued on the basis of a partial fulfillment of requirements shall be entitled to complete his program for fulfillment as approved by the Board of Education or the Commission for Teacher Preparation and Licensing and to receive his fully satisfied credential from the Board of Education or the Commission for Teacher Preparation and Licensing.

13200.57. The Board of Education or the Commission for Teacher Preparation and Licensing shall complete any action

which it is taking in relation to a credential and which is not completed on the effective date of the enactment of this article. "Complete any action" includes the retention of jurisdiction by the Committee of Credentials and the Board of Education or the Commission for Teacher Preparation and Licensing of any matter until it is finally resolved by the Board of Education or the Commission for Teacher Preparation and Licensing or by judicial review.

13200.58. The board of governors and the Board of Education or the Commission for Teacher Preparation and Licensing are encouraged to maintain as similar as possible, the requirements for credentials issued by either of them under authorization of the same provision of the Education Code, although the Legislature recognizes that the needs and problems in grades 13 and 14 and the other grades are different. The board of governors and the Board of Education or the Commission for Teacher Preparation and Licensing are directed to keep each other fully informed of actions taken by either of them with respect to such requirements.

SEC. 3. Section 13220 of the Education Code is amended to read:

13220. An individual employed by a school district maintaining a community college in grades 13 and 14 as an instructor, supervisor, administrator, librarian, counselor, or student personnel worker, shall be required to possess a credential or certification document specified in this article. The provisions of Article 1.5 (commencing with Section 13187) of this chapter shall not be applicable to an individual employed by a school district maintaining a community college in grades 13 and 14 as an instructor, supervisor, administrator, librarian, counselor, or student personnel worker after the effective date of this article. The Board of Governors of the California Community Colleges may prescribe, by regulation, the standards as to equivalency and standards for professional, vocational training, or experience, or any combination thereof, wherever referred to in this article and such additional minimum standards as they deem appropriate for the administration and enforcement of this article.

SEC. 4. Section 13220.3 of the Education Code is amended to read:

13220.3. The community college instructor credential shall authorize the holder to perform the following functions:

(a) Teach, in grades 13 to 14, inclusive, any course in a subject matter area in which the holder of the credential has a major or has earned a master's degree, or its equivalent.

(b) Teach any course in classes for adults.

(c) Teach, in grades 13 and 14, any course in a subject matter area in which the holder of the credential has completed a minor, if the governing board of the district employing the holder specifically authorizes the holder to teach such courses by resolution. This authorization may be renewed annually by resolution of the governing board. If the creden-

tial is issued based on professional or vocational training or experience, or any combination thereof, the holder shall perform only the teaching functions authorized by regulations adopted by the Board of Governors of the California Community Colleges.

SEC. 5. Section 13220.9 of the Education Code is amended to read:

13220.9. The community college chief administrative officer credential shall authorize the holder to be employed as a chief administrative officer of a community college, a superintendent of a community college district, or both.

SEC. 5.5. Section 13220.17 of the Education Code is amended to read:

13220.17. (a) A credential which was issued prior to November 10, 1969, shall remain in force as long as it is valid and continues to be valid under the law and regulations of the board of governors. The board of governors may not by regulation invalidate such valid credential in relation to service in grades 13 and 14 unless it issues to the holder thereof, in substitution, a new credential authorized by other sections of this article of an equivalent type in relation to service in grades 13 and 14 and which new credential is no less restrictive than the credential for which it is substituted with respect to the kind of service which it authorizes in grades 13 and 14, and the grades or classes of types of schools in which it authorizes service in relation to grades 13 and 14.

(b) Credentials issued prior to November 10, 1969, and credentials issued under subdivision (c) of this section may be renewed in accordance with regulations in effect on November 10, 1969.

(c) Within the scope of the power given to it by the provisions of Article 1.8 (commencing with Section 13200.51) of this chapter, the board of governors shall issue the appropriate credentials authorized by the law operative, and the rules and regulations in effect, on November 10, 1969, to any person who is working toward meeting the requirements of a prior regular credential and is enrolled in an education program for such purpose on November 10, 1969. No credential shall be issued under this subdivision after January 1, 1971.

SEC. 6. Section 13220.18 of the Education Code is amended to read:

13220.18. (a) A provisional credential may be issued to instructional personnel in accordance with the regulations adopted by the Board of Governors of the California Community Colleges.

The minimum standards for a provisional credential shall be prescribed by the board of governors.

The regulations adopted by the board of governors prescribing the minimum standards for a provisional credential shall give consideration to training and teaching experience in California schools and shall establish the term of renewal for such a credential.

Any issuance of a provisional credential shall comply with the provisions of Sections 13121 to 13124, inclusive, and Sections 13126 to 13128, inclusive, with respect to credentials authorized by this article. Whenever reference is made in those provisions to the State Board of Education, such reference shall be deemed to mean the Board of Governors of the California Community Colleges.

(b) A limited service credential may be issued to instructional personnel in accordance with the regulations adopted by the Board of Governors of the California Community Colleges.

The minimum standards for a limited service credential shall be prescribed by the board of governors.

The regulations adopted by the board of governors prescribing the minimum standards for a limited service credential shall give consideration to training and teaching experience in California schools and shall establish the term of renewal for such a credential.

A limited service credential shall be issued to persons teaching 40 percent or less of the number of hours considered as a full-time assignment for permanent employees having similar duties in the community colleges of the district in which he is employed.

Any issuance of a limited service credential shall comply with the provisions of Sections 13121 to 13124, inclusive, and Sections 13126 to 13128, inclusive, with respect to credentials authorized by this article. Whenever reference is made in those provisions to the State Board of Education, such reference shall be deemed to mean the Board of Governors of the California Community Colleges.

SEC. 6.5. Section 13948 of the Education Code is amended to read:

13948. Persons who are members on account of previous school employments as provided by this chapter and who are employed by the state to render service of an educational nature in the State Department of Education, the Commission for Teacher Preparation and Licensing, the office of the Chancellor of the California Community Colleges, or as Superintendent of Public Instruction, or as a Deputy or Associate Superintendent of Public Instruction, are members of the system, unless they elect by a writing filed in the office of the board within 90 days after such employment not to be a member.

SEC. 6.7. The amendment to Section 13948 of the Education Code made by Section 6.5 of this bill, in relation to persons employed in the office of the Chancellor of the California Community Colleges, does not constitute a change in, but is declaratory of, the existing law.

SEC. 7. Sections 2, 3, and 6 of this act shall not become operative if Assembly Bill No. 122 of the 1970 Regular Session is enacted.

SEC. 8. Section 2.3 of this act shall become operative only if Assembly Bill No. 122 of the 1970 Regular Session is enacted.

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 fact constituting such necessity are:

There are presently serious questions as to the authority of the State Board of Education and its associated boards, officers, and department and the authority of the Board of Governors of the California Community Colleges in relation to certain credentials and these questions must be resolved as soon as possible so that the law may be legitimately applied and enforced in relation to these credentials.

CHAPTER 1451

An act to add Chapter 2 (commencing with Section 6701) to Part 2 of Division 6 of the Public Resources Code, relating to tide and submerged lands.

[Approved by Governor September 19, 1970. Filed with Secretary of State September 19, 1970.]

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

SECTION 1. Chapter 2 (commencing with Section 6701) is added to Part 2 of Division 6 of the Public Resources Code, to read:

CHAPTER 2. DEVELOPMENT AND IMPROVEMENT OF GRANTED TIDE AND SUBMERGED LANDS

6701. Subject to the provisions of Section 6702, no amendment, modification, or revocation, in whole or in part, of any grant of tide or submerged lands heretofore made or that may be hereafter made by the Legislature shall impair or affect the rights or obligations of third parties, including 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.

6702. (a) The provisions of Section 6701 shall not apply to any of the following unless the provisions of subdivision (b) are first complied with:

(1) Any lease, contract, or other instrument entered into on or after the effective date of this chapter.

(2) Any lease, contract, or other instrument entered into before the effective date of this chapter if (i) such lease, contract, or other instrument affects lands which have been filled

in between January 1, 1970, and the date of any such amendment, modification, or revocation by the Legislature, or (ii) there have not been erected, prior to January 1, 1970, any artificial structures on any of the lands affected thereby pursuant to any exercise of rights expressly or impliedly conferred by any such lease, contract, or other instrument and under the terms of such lease, contract, or other instrument the total capital expenditures reasonably anticipated on such lands are ten thousand dollars ($10,000) or greater.

(3) Any amendment, modification, or alteration made on or after January 1, 1970, to any lease, contract, or other instrument entered into before the effective date of this chapter if such amendment, modification, or alteration either extends the term of such lease, contract, or other instrument for more than six months or authorizes the erection of improvements not previously authorized thereby upon lands unoccupied by permanent structures as of January 1, 1970. For purposes of this chapter, "lease, contract, or other instrument" includes any amendment, modification, or alteration described by this paragraph.

(b) The provisions of Section 6701 shall be applicable to any lease, contract, or other instrument described in subdivision (a) which is submitted to the State Lands Commission and as to which the commission makes all the following determinations:

(1) That such lease, contract, or other instrument is in accordance with the terms of the grant or grants under which title to the tide or submerged lands in question is held.

(2) That the proceeds of such lease, contract, or other instrument shall be deposited in an appropriate fund expendable only for statewide purposes authorized by a legislative grant.

(3) That such lease, contract, or other instrument is in the best interests of the state.

(c) The provisions of Section 6701 shall apply to any lease, contract, or other instrument entered into before the effective date of this chapter if such lease, contract, or other instrument is not one described by subdivision (a), without requiring that it be submitted to the State Lands Commission.

(d) For purposes of this section, lands shall be deemed to have been "filled in" if such lands were permanently or periodically covered by tidal waters on or after January 1, 1970, and thereafter are either raised to a level above mean lower low water by the deposition of earth or other materials thereon or have permanent artificial structures erected thereon.

6703. Whenever a lease, contract, or other instrument is submitted to the State Lands Commission pursuant to Section 6702, the costs of any study or investigation, including a reasonable reimbursement for employees' time, incurred by the State Lands Division in processing and investigating such submittal shall be borne by the legislative grantee or the person or entity making such submittal, as may be agreed upon between the commission and such grantee or other person or

entity making such submittal, in accordance with rules and regulations adopted by the commission.

6704. Failure of the State Lands Commission to issue to the legislative grantee a written report making, or declining to make with reasons for so declining, the determinations set forth in Section 6702 within 90 days of receipt from the legislative grantee of all material required by the rules and regulations of the commission to be submitted pursuant to Section 6702, or within any other period of time mutually agreed upon by the commission and the legislative grantee, shall be the equivalent of an affirmative finding with respect to each of such determinations required by Section 6702 and the provisions of Section 6701 shall become applicable to the lease, contract, or other instrument in question.

6705. This chapter shall not be construed to affect the validity of leases, contracts, or other instruments affecting tide or submerged lands, and there shall be no presumptions raised concerning the validity or invalidity of any lease, contract, or other instrument which is required by Section 6702 to be submitted to the State Lands Commission in order to make the provisions of Section 6701 applicable thereto because of the failure of the legislative grantee to submit such lease, contract, or other instrument to the commission, or because of any findings of such commission thereon.

6706. If on the effective date of any revocation of a grant of tide or submerged lands, there are in effect any leases, contracts, or other instruments to which the provisions of Section 6701 are applicable, 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 grantee named in such grant; otherwise, the interest of such grantee 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, or until such time as the commission exercises the option set forth in this section. The grantee shall furnish the commission with all such instruments within 30 days after the effective date of any such revocation, or any longer period mutually agreed upon between the commission and the grantee, and the commission may exercise the option at any time within six months from the date such instruments were submitted to it.

SEC. 2. The provisions of the Burton Act (Chapter 1333 of the Statutes of 1968) shall prevail over the provisions of this act to the extent that they are in conflict or inconsistent.

CHAPTER 1452

An act to amend Section 6871 of the Education Code, as amended by Chapter 1524 of the Statutes of 1969, relating to education of handicapped minors.

[Approved by Governor September 19, 1970. Filed with Secretary of State September 19, 1970.]

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

SECTION 1. Section 6871 of the Education Code, as amended by Chapter 1524 of the Statutes of 1969, is amended to read:

6871. With the approval of the county superintendent of schools, any school district having a physically handicapped minor, mentally retarded minor, severely mentally retarded minor, or multiply handicapped minor for whom special education facilities and services as prescribed by Section 6870 are not available or cannot be reasonably provided, and for whom the State of California has no appropriate special education facilities and services, shall, and any school district having an educationally handicapped minor for whom special education facilities and services as prescribed by Section 6870 are not available or cannot be reasonably provided, and for whom the State of California has no appropriate special education facilities and services, may, in lieu of establishing and maintaining the needed special education facilities and services at an unreasonable cost to the district, pay to the parent or guardian of such minor toward the tuition for such minor, enrolled in a public or private nonsectarian school, institution, or agency within or outside of California offering the special education facilities and services made necessary by the minor's disabilities, an amount not to exceed the sum per unit of average daily attendance of the regular state apportionment to the district for the fiscal year in question, the amount allowable per unit of average daily attendance for the particular category under subdivisions (2) and (3) of Section 18102, and the amount per unit of average daily attendance provided from revenue derived from district taxation for the current expense of education of a normal child in the schools of the district. For purposes of computing the amount per unit of average daily attendance provided from revenue derived from district taxation, there shall be excluded amounts produced by rates levied for special or restricted purposes, such as the rates levied pursuant to Sections 1822.2, 1825, 16633, 16635, 16645.9, 19443, 19619, 20801 to 20802.8, inclusive, 20806, and 20807, and there shall be included amounts produced by rates levied for general districtwide current support purposes, including the rates levied pursuant to Sections 20808 and 20808.5. As used in this article "tuition" includes the cost to the parent or guardian of transporting a minor enrolled in a public or private nonsectarian school, institution, or agency under this section to and from school.

The provisions of this section shall be applicable as well to situations where the special educational facilities and services are available but are an unreasonable distance away from the home of the minor. The Superintendent of Public Instruction shall adopt rules and regulations to implement the determination of the unreasonableness of such cost and distance, and any other rules and regulations deemed necessary by him for the effective administration of this chapter. The county superintendent of schools shall make a finding as to the unreasonableness of such cost or distance for the school districts within his jurisdiction and shall report such findings to the Superintendent of Public Instruction, who, if he approves such findings, shall authorize payments pursuant to this section and Sections 6872 and 6873.

The provisions of this section shall be applicable as well to situations where the public special educational facilities and services are available but the attending physician of the physically handicapped, mentally retarded, severely mentally retarded, multiply handicapped, or educationally handicapped minor or the attending optometrist of the physically handicapped minor who is blind, partially seeing, or visually handicapped has recommended that it is in the best interests of the health and welfare of such minor that the minor be enrolled in a private nonsectarian school, institution or agency offering the special education facilities and services made necessary by the minor's disabilities, and such recommendation has been approved by the county health officer and the county superintendent of schools on forms specified by the Superintendent of Public Instruction.

Priority in providing special education facilities and services shall be given to public school, or state-operated, programs. State and school district support for an exceptional child's education at a private nonsectarian school, institution, or agency shall be approved pursuant to this chapter only if no publicly operated programs are available to the minor within a reasonable distance from his residence, or if such programs do not meet the specialized needs of the minor, as determined under the procedures established by this chapter. Priority in approving private nonsectarian schools, institutions, or agencies shall be given to the nearest such school, institution, or agency from where the parent or guardian of the exceptional child resides and which provides training and education as defined in Section 6870.

In instances where public funds are paid to the parent or guardian of a minor pursuant to this section, toward the tuition of such minor enrolled in a private nonsectarian school, institution, or agency, the school, institution, or agency enrolling such minor shall at the end of each school year submit a written progress report on each such minor on forms provided by the Superintendent of Public Instruction, and shall forward such forms to the county superintendent of schools of the county authorizing placement. Such reports

shall be used by the county superintendents of schools to determine continued eligibility for placement and reimbursement under this chapter.

In no event shall the total of any allowances or apportionments of state funds be made to a school district in behalf of a pupil receiving an allowance pursuant to this section in excess of the total of such amounts which would have been allowed or apportioned to the district if the pupil were in attendance at a school in the district.

CHAPTER 1453

An act to add Section 13957 to the Revenue and Taxation Code, relating to open-space lands, to take effect immediately, tax levy.

[Approved by Governor September 19, 1970. Filed with Secretary of State September 19, 1970.]

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

SECTION 1. Section 13957 is added to the Revenue and Taxation Code, to read:

13957. The provisions of this section are optional and may be used for the valuation of an estate where applicable. At the request of the executor or administrator of an estate, the inheritance tax appraiser shall value according to this section.

Any land which is valued pursuant to Section 423 or 423.5 for property tax purposes shall be valued by identical methods for purposes of this part unless there are at least five sales of land qualifying as comparable. In order to be considered comparable, the sales shall be sufficiently near in time to the date of valuation and the properties sold shall be located sufficiently near the property being valued, and shall be sufficiently alike in respect to character, size, situation, usability, and enforceable restrictions to make it clear that the properties sold and the property being valued are comparable in value and that the cash equivalent price realized for the properties sold may fairly be considered as shedding light on the value of the property being valued. If the sold properties are in another county, comparability shall include similar controls of the administration of the open-space enforceable restrictions as the county where the land being valued is located.

SEC. 2. It is the intent of the Legislature in enacting Section 1 of this act to prescribe a method of valuing properties subject to enforceable restrictions during the transitional period from the time when there are not enough sales of such properties to constitute an actual market to the time when there are sufficient sales to constitute an actual market for such properties.

SEC. 3. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect. This act shall not be operative for the estates of any persons dying after December 31, 1974.

CHAPTER 1454

An act to amend Section 11556 of, and to add Chapter 7 (commencing with Section 8550) to Division 1 of Title 2 of, the Government Code, and to repeal Chapter 1 (commencing with Section 1500) of Division 7 of the Military and Veterans Code, and to amend Sections 830.2 and 830.3 of the Penal Code, relating to emergency services.

[Approved by Governor September 19, 1970. Filed with Secretary of State September 19, 1970.]

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

SECTION 1. Chapter 1 (commencing with Section 1500) of Division 7 of the Military and Veterans Code is repealed.

SEC. 2. Chapter 7 (commencing with Section 8550) is added to Division 1 of Title 2 of the Government Code, to read:

CHAPTER 7. CALIFORNIA EMERGENCY SERVICES ACT

Article 1. Purpose

8550. The state has long recognized its responsibility to mitigate the effects of natural, manmade, or war-caused emergencies which result in conditions of disaster or in extreme peril to life, property, and the resources of the state, and generally to protect the health and safety and preserve the lives and property of the people of the state. To insure that preparations within the state will be adequate to deal with such emergencies, it is hereby found and declared to be necessary:

(a) To confer upon the Governor and upon the chief executives and governing bodies of political subdivisions of this state the emergency powers provided herein; and to provide for state assistance in the organization and maintenance of the emergency programs of such political subdivisions;

(b) To provide for a state agency to be known and referred to as the Office of Emergency Services, within the Governor's office; and to prescribe the powers and duties of the director of that office;

(c) To provide for the assignment of functions to state agencies to be performed during an emergency and for the coordination and direction of the emergency actions of such agencies;

(d) To provide for the rendering of mutual aid by the state government and all its departments and agencies and by the political subdivisions of this state in carrying out the purposes of this chapter;

(e) To authorize the establishment of such organizations and the taking of such actions as are necessary and proper to carry out the provisions of this chapter.

It is further declared to be the purpose of this chapter and the policy of this state that all emergency services functions of this state be coordinated as far as possible with the comparable functions of its political subdivisions, of the federal government including its various departments and agencies, of other states, and of private agencies of every type, to the end that the most effective use may be made of all manpower, resources, and facilities for dealing with any emergency that may occur.

8551. This chapter may be cited as the "California Emergency Services Act."

Article 2. General Definitions

8555. Unless the provision or context otherwise requires, the definitions contained in this article govern the construction of this chapter.

8556. "Governor" means the Governor or the person upon whom the powers and duties of the office of Governor have devolved pursuant to Section 10 of Article V of the California Constitution.

8557. (a) "Emergency Council" means the California Emergency Council.

(b) "State agency" means any department, division, independent establishment, or agency of the executive branch of the state government.

(c) "Political subdivision" includes any city, city and county, county, district, or other local governmental agency or public agency authorized by law.

(d) "Governing body" means the legislative body, trustees, or directors of a political subdivision.

(e) "Chief executive" means that individual authorized by law to act for the governing body of a political subdivision.

(f) "Disaster council" and "disaster service worker" have the meaning prescribed in Chapter 1 (commencing with Section 3201) of Part 1 of Division 4 of the Labor Code.

(g) "Public facility" means any facility of the state or a political subdivision, which facility is owned, operated, or maintained, or any combination thereof, through moneys derived by taxation or assessment.

8558. Three conditions or degrees of emergency are established by this chapter:

(a) "State of war emergency" means the condition which exists immediately, with or without a proclamation thereof by the Governor, whenever this state or nation is attacked by an enemy of the United States, or upon receipt by the state of a warning from the federal government indicating that such an enemy attack is probable or imminent.

(b) "State of emergency" means the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, or earthquake or other conditions, other than conditions

resulting from a labor controversy or conditions causing a "state of war emergency," which conditions, by reason of their magnitude, are or are likely to be beyond the control of the services, personnel, equipment, and facilities of any single county, city and county, or city and require the combined forces of a mutual aid region or regions to combat.

(c) "Local emergency" means the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of a county, city and county, or city, caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, or earthquake or other conditions, other than conditions resulting from a labor controversy, which conditions are or are likely to be beyond the control of the services, personnel, equipment, and facilities of that political subdivision and require the combined forces of other political subdivisions to combat.

8559. (a) A "mutual aid region" is a subdivision of the state emergency services organization, established to facilitate the coordination of mutual aid and other emergency operations within an area of the state consisting of two or more county operational areas.

(b) An "operational area" is an intermediate level of the state emergency services organization, consisting of a county and all political subdivisions within the county area.

8560. (a) "Emergency plans" means those official and approved documents which describe the principles and methods to be applied in carrying out emergency operations or rendering mutual aid during emergencies. These plans include such elements as continuity of government, the emergency services of governmental agencies, mobilization of resources, mutual aid, and public information.

(b) "State Emergency Plan" means the State of California Emergency Plan as approved by the Governor.

8561. "Master Mutual Aid Agreement" means the California Disaster and Civil Defense Master Mutual Aid Agreement, made and entered into by and between the State of California, its various departments and agencies, and the various political subdivisions of the state, to facilitate implementation of the purposes of this chapter.

Article 3. Powers of the Governor

8565. The Governor shall have the powers granted by this article, which powers shall be in addition to any other powers granted to him by this chapter.

8566. The Governor is empowered to expend any appropriation for support of the California Emergency Services Act to carry out the provisions of this chapter.

8567. (a) The Governor may make, amend, and rescind orders and regulations necessary to carry out the provisions of this chapter. Such orders and regulations shall have the force and effect of law. Due consideration shall be given to

the plans of the federal government in preparing such orders and regulations. The Governor shall cause widespread publicity and notice to be given to all such orders and regulations, or amendments or rescissions thereof.

(b) Orders and regulations, or amendments or rescissions thereof, issued during a state of war emergency or state of emergency shall be in writing and shall take effect immediately upon their issuance. Whenever the state of war emergency or state of emergency has been terminated, such orders and regulations shall be of no further force or effect.

(c) All orders and regulations relating to the use of funds pursuant to Article 16 (commencing with Section 8645) of this chapter shall be prepared in advance of any commitment or expenditure of such funds. Other orders and regulations needed to carry out the provisions of this chapter shall, whenever practicable, be prepared in advance of a state of war emergency or state of emergency.

(d) All orders and regulations made in advance of a state of war emergency or state of emergency shall be in writing, shall be exempt from the provisions of Chapter 4.5 (commencing with Section 11371), Part 1, Division 3, Title 2, of the Government Code, but shall be subject to the approval of the Emergency Council. As soon thereafter as possible they shall be filed in the office of the Secretary of State and with the county clerk of each county.

8568. The State Emergency Plan shall be in effect in each political subdivision of the state, and the governing body of each political subdivision shall take such action as may be necessary to carry out the provisions thereof.

8569. The Governor shall coordinate the State Emergency Plan and those programs necessary for the mitigation of the effects of an emergency in this state; and he shall coordinate the preparation of plans and programs for the mitigation of the effects of an emergency by the political subdivisions of this state, such plans and programs to be integrated into and coordinated with the State Emergency Plan and the plans and programs of the federal government and of other states to the fullest possible extent.

8570. The Governor may, in accordance with the State Emergency Plan and programs for the mitigation of the effects of an emergency in this state:

(a) Ascertain the requirements of the state or its political subdivisions for food, clothing, and other necessities of life in the event of an emergency;

(b) Plan for, procure, and pre-position supplies, medicines, materials, and equipment;

(c) Use and employ any of the property, services, and resources of the state as necessary to carry out the purposes of this chapter;

(d) Provide for the approval of local emergency plans;

(e) Provide for mobile support units;

(f) Institute training programs and public information programs;

(g) Make surveys of such industries, resources, and facilities, both public and private, within the state, as are necessary to carry out the purposes of this chapter;

(h) Plan for the use of any private facilities, services, and property and, when necessary, and when in fact used, provide for payment for such use under such terms and conditions as may be agreed upon;

(i) Take all other preparatory steps, including the partial or full mobilization of emergency organizations in advance of an actual emergency; and order those test exercises needed to insure the furnishing of adequately trained and equipped personnel in time of need.

8571. During a state of war emergency or a state of emergency the Governor may suspend the provisions of any regulatory statute, or statute prescribing the procedure for conduct of state business, or the orders, rules, or regulations of any state agency, where the Governor determines and declares that strict compliance with the provisions of any such statute, order, rule, or regulation would in any way prevent, hinder, or delay the mitigation of the effects of the emergency.

8572. In the exercise of the emergency powers hereby vested in him during a state of war emergency or state of emergency, the Governor is authorized to commandeer or utilize any private property or personnel deemed by him necessary in carrying out the responsibilities hereby vested in him as Chief Executive of the state and the state shall pay the reasonable value thereof.

Notwithstanding the provisions of this section, the Governor is not authorized to commandeer any newspaper, newspaper wire service, or radio or television station, but may, during a state of war emergency or state of emergency, and if no other means of communication are available, utilize any news wire services, and the state shall pay the reasonable value of such use. In so utilizing any such facilities, the Governor shall interfere as little as possible with their use for the transmission of news.

8573. The Governor may cooperate with the President and the heads of the armed forces and other agencies of the United States, and with officers and agencies of other states, on matters pertaining to emergencies; and he may take any steps he deems necessary to put into effect any rules, regulations, or suggestions made by such persons or agencies.

8574. None of the provisions of this chapter shall limit, modify, or abridge the powers vested in the Governor under the Constitution or statutes of the state by proclamation, to declare any county, city and county, or city, or any portion thereof to be in a state of insurrection or to proclaim the existence of martial law and to exercise all the powers vested in him thereunder independent of, or in conjunction with, any of the provisions of this chapter.

Article 4. California Emergency Council

8575. There is hereby created a California Emergency Council, to consist of the following:

(a) The Governor, or an alternate appointed by him;

(b) The Lieutenant Governor, or an alternate appointed by him;

(c) The Attorney General, or an alternate appointed by him;

(d) One representative of the city governments of the state and one representative of the county governments of the state, to be appointed by the Governor and to serve at his pleasure, provided these members shall be from different counties;

(e) One representative of the American National Red Cross, to be appointed by the Governor;

(f) One representative of the city or county fire services of the state and one representative of the city or county law enforcement services of the state, to be appointed by the Governor and to serve at his pleasure, provided these members shall be from different counties.

The President pro Tempore of the Senate and the Speaker of the Assembly shall meet with and participate in the work of the Emergency Council to the same extent as members of the council appointed by the Governor, excepting when such participation is constitutionally incompatible with their respective positions as Members of the Legislature.

If the President pro Tempore of the Senate does not desire to serve on the Emergency Council, the Senate Rules Committee may appoint a Member of the Senate to serve in his stead. If the Speaker of the Assembly does not desire to serve on the Emergency Council, he may appoint a Member of the Assembly to serve in his stead.

8576. The Governor shall be ex officio Chairman of the Emergency Council.

8577. Neither the members of the Emergency Council nor the Members of the Legislature shall receive compensation for their services under this chapter, but they shall be reimbursed for their actual and necessary expenses incurred in connection with their duties hereunder.

8578. The Emergency Council shall meet upon call of the Governor, not less frequently than annually. Except during a state of war emergency or a state of emergency, notice of such meeting shall be given to each member not less than 15 days prior to the day selected by the Governor for the meeting of the Emergency Council.

8579. It shall be the duty of the Emergency Council, and it is hereby empowered, to act as an advisory body to the Governor in times of emergency and with reference thereto in order to minimize the effects of such occurrences by recommending ameliorative action.

The powers and duties of the Emergency Council shall include the following:

(a) To consider, recommend, and approve orders and regulations which are within the province of the Governor to promulgate;

(b) To consider and recommend to the Governor for approval the boundaries of such mutual aid regions of the state as may be designated;

(c) To recommend to the Governor the assignment of any responsibility, service, or activity relative to emergencies or emergency planning to a state agency having duties related to such responsibility, service, or activity;

(d) To consider and recommend the creation by the Governor of advisory committees in order to make civilian participation and cooperation in emergency planning and activities available to the state;

(e) To consider and recommend the expenditures of moneys appropriated for any of the objectives or purposes of this chapter;

(f) To consider and recommend to the Governor for approval a State Emergency Plan built around mutual aid and the integration into such plan of the several state agencies whose resources are necessary in coping with emergencies;

(g) To certify the accredited status of local disaster councils;

(h) To encourage the development and maintenance of emergency plans based on mutual aid, whereunder political subdivisions may most effectively protect life and property and mitigate other effects of emergencies;

(i) To evaluate and report to the Governor on state communications systems with particular regard to their adequacy in case of emergency.

8580. The Emergency Council shall establish by rule and regulation various classes of disaster service workers and the scope of the duties of each class. The Emergency Council shall also adopt rules and regulations prescribing the manner in which disaster service workers of each class are to be registered. All such rules and regulations shall be designed to facilitate the paying of workmen's compensation.

8581. At any time when the Emergency Council is not meeting the Governor may certify the accredited status of local disaster councils, subject to the requirements of Section 8612. Such certification shall be final for all purposes, subject to the power of the Emergency Council to set aside such certification and exercise the authority granted to it by this chapter.

At each meeting of the Emergency Council, the Governor shall report to it any action taken by him pursuant to this section subsequent to its last meeting.

8582. Nothing herein shall operate to prevent the Governor from establishing a committee or board composed of heads of state agencies, should he deem it necessary to aid him or the Emergency Council or both in obtaining information or advice, assisting in developing or carrying out plans, or otherwise acting in accomplishment of the purposes of this chapter.

Article 5. Office of Emergency Services

8585. There is in the office of the Governor the Office of Emergency Services, which office is the State Civil Defense Agency. The Director of the Office of Emergency Services, who shall also be the State Director of Civil Defense and the State Director of Emergency Planning, shall be in charge of the Office of Emergency Services and shall have all the rights and powers of a head of a department as provided by the Government Code.

The Director of the Office of Emergency Services shall be appointed by the Governor with the consent of the Senate, and shall serve at the pleasure of the Governor. The Governor shall also appoint a Deputy Director of the Office of Emergency Services who shall serve at the pleasure of the Governor. The Director and Deputy Director of the Disaster Office on the effective date of this section shall continue to serve as the Director and Deputy Director, respectively, of the Office of Emergency Services until their successors are appointed and qualified.

The Director of the Office of Emergency Services shall receive an annual salary as provided for by Chapter 6 (commencing with Section 11550) of Part 1 of Division 3 of Title 2 of the Government Code.

8586. The Governor shall assign all or part of his powers and duties under this chapter to the Office of Emergency Services.

The Director of the Office of Emergency Services shall appoint pursuant to the State Civil Service Act such employees as are needed.

8587. During a state of war emergency, a state of emergency, or a local emergency, the director shall coordinate the emergency activities of all state agencies in connection with such emergency, and every state agency and officer shall cooperate with the director in rendering all possible assistance in carrying out the provisions of this chapter.

In addition to the powers herein designated, the Governor may delegate any of the powers vested in him under this chapter to the Director of the Office of Emergency Services except the power to make, amend, and rescind orders and regulations, and the power to proclaim a state of emergency.

8588. Whenever conditions exist within any region or regions of the state which warrant the proclamation by the Governor of a state of emergency and the Governor has not acted under the provisions of Section 8625, by reason of the fact that he has been inaccessible, the Director of the Office of Emergency Services may proclaim the existence of a state of emergency in the name of the Governor as to any region or regions of the state. Whenever the Director of the Office of Emergency Services has so proclaimed a state of emergency, such action shall be ratified by the Governor as soon as he becomes accessible, and in the event the Governor does not ratify the action he shall immediately terminate the state of emer-

gency as proclaimed by the Director of the Office of Emergency Services.

8589. The Office of Emergency Services shall be permitted such use of all state and local fair properties as conditions require.

Article 6. Advisory Committees

8590. The Governor may create advisory committees to assist in specific fields related to emergency services and recovery. He shall appoint the members thereof and they shall serve at his pleasure. He shall also designate the chairman and vice chairman thereof. The committees shall be under the direction of the Governor or such state agency head as he shall designate, and shall be wholly advisory in character and shall not be delegated any administrative authority or responsibility. Members of such committees shall not receive compensation from the state for their services under this chapter, but when called into conference or session by the Governor or a department head designated by him shall be reimbursed for their actual and necessary expenses incurred in connection with such conference or session.

8591. Nothing herein shall operate to prevent the Governor or the Director of the Office of Emergency Services from formally recognizing committees or boards established by or with segments of the private sector, or public agencies or both the private sector and public agencies which control facilities, resources, or the provision of services essential to the mitigation of the effects of an emergency or recovery therefrom, or from assigning administrative authority or responsibility to such committees or boards or to members thereof with respect to the provision and effective utilization of such resources to meet needs resulting from an emergency.

Article 7. Other State Agencies

8595. The Governor may assign to a state agency any activity concerned with the mitigation of the effects of an emergency of a nature related to the existing powers and duties of such agency, including interstate activities, and it shall thereupon become the duty of such agency to undertake and carry out such activity on behalf of the state.

8596. (a) Each department, division, bureau, board, commission, officer, and employee of this state shall render all possible assistance to the Governor and to the Director of the Office of Emergency Services in carrying out the provisions of this chapter.

(b) In providing such assistance, state agencies shall cooperate to the fullest possible extent with each other and with political subdivisions, relief agencies, and the American National Red Cross, but nothing contained in this chapter shall be construed to limit or in any way affect the responsibilities of the American National Red Cross under the federal act approved January 5, 1905 (33 Stat. 599), as amended.

(c) State personnel, equipment, and facilities may be used to clear and dispose of debris on private property only after the Governor finds: (1) that such use is for a state purpose; (2) that such use is in the public interest, serving the general welfare of the state; and (3) that such personnel, equipment, and facilities are already in the emergency area.

8597. Whenever a state of emergency is proclaimed to exist within any region or area, or whenever a state of war emergency exists, the following classes of state employees who are within the region or area proclaimed or who may be assigned to duty therein shall be peace officers and shall have the full powers and duties of such officers for all purposes as provided by Section 830.1 of the Penal Code, and shall perform such duties and exercise such powers as are appropriate or as may be directed by their superior officers:

(a) All members of the California Highway Patrol.

(b) All deputies of the Department of Fish and Game who have been appointed to enforce the provisions of the Fish and Game Code pursuant to Section 851 of that code.

(c) The State Forester and the classes of the Division of Forestry who are designated by the State Forester as having the powers of peace officers pursuant to Section 4156 of the Public Resources Code.

8598. Whenever a local emergency exists within a region or area of the state and the California Highway Patrol is requested by properly constituted local authorities to assist local law enforcement, the patrol officers assigned to assist within the designated regions or areas shall have the full powers of peace officers within the meaning of Section 830.1 of the Penal Code and shall perform such duties and exercise such powers as are appropriate or as may be directed by their superior officers.

Article 8. Mutual Aid Regions

8600. The Governor with the advice of the Emergency Council is hereby authorized and empowered to divide the state into mutual aid regions for the more effective application, administration, and coordination of mutual aid and other emergency-related activities.

Article 9. Operational Areas

8605. Each county is designated as an operational area. In a state of war emergency each operational area shall serve as a link in the system of communications and coordination between the state's emergency operating centers and the operating centers of the political subdivisions comprising the operational area.

The governing bodies of each county and of the political subdivisions in the county may organize and structure their operational area.

An operational area may be used by the county and the political subdivisions comprising the operational area for the coordination of emergency activities and to serve as a link in the communications system during a state of emergency or a local emergency.

Article 10. Local Disaster Councils

8610. Counties, cities and counties, and cities may create disaster councils by ordinance. A disaster council shall develop plans for meeting any condition constituting a local emergency, state of emergency, or state of war emergency; such plans shall provide for the effective mobilization of all of the resources of the political subdivision, both public and private. The governing body of a county, city and county, or city may, in such ordinance or by resolution adopted pursuant to such ordinance, provide for the organization, powers and duties, divisions, services, and staff of the emergency organization. The governing body of a county, city and county, or city may, by resolution, authorize public officers, employees, and registered volunteers to command the aid of citizens when necessary in the execution of their duties during a state of war emergency or a state of emergency.

Counties, cities and counties, and cities may enact ordinances and resolutions and either establish rules and regulations or authorize disaster councils to recommend to the director of the local emergency organization rules and regulations for dealing with local emergencies that can be adequately dealt with locally; and further may act to carry out mutual aid on a voluntary basis and, to this end, may enter into agreements.

8611. Counties, cities and counties, and cities may provide for the calling of test exercises, either singularly or jointly, whenever, in the opinion of such political subdivisions, such test exercises are needed; provided, however, that with respect to any such test exercise no one shall have the power to command the assistance of any private citizen, and the failure of a citizen to obey any order or regulation pertaining to a test exercise shall not constitute a violation of any law.

8612. Any disaster council which both agrees to follow the rules and regulations established by the Emergency Council pursuant to the provisions of Section 8580 and substantially complies with such rules and regulations shall be certified by the Emergency Council. Upon such certification, and not before, the disaster council becomes an accredited disaster council.

8613. Should an accredited disaster council fail to comply with the rules and regulations of the Emergency Council in any material degree, the Emergency Council may revoke its certification and, upon the act of revocation, the disaster council shall lose its accredited status. It may again become an accredited disaster council in the same manner as is provided

for a disaster council which has not previously been accredited.

8614. (a) Each department, division, bureau, board, commission, officer, and employee of each political subdivision of the state shall render all possible assistance to the Governor and to the Director of the Office of Emergency Services in carrying out the provisions of this chapter.

(b) The emergency power which may be vested in a local public official during a state of war emergency or a state of emergency shall be subject or subordinate to the powers herein vested in the Governor when exercised by the Governor.

(c) Ordinances, orders, and regulations of a political subdivision shall continue in effect during a state of war emergency or a state of emergency except as to any provision suspended or superseded by an order or regulation issued by the Governor.

Article 11. Mutual Aid

8615. It is the purpose of the Legislature in enacting this article to facilitate the rendering of aid to areas stricken by an emergency and to make unnecessary the execution of written agreements customarily entered into by public agencies exercising joint powers. Emergency plans duly adopted and approved as provided by the Governor shall be effective as satisfying the requirement for mutual aid operational plans provided in the Master Mutual Aid Agreement.

8616. During any state of war emergency or state of emergency when the need arises for outside aid in any county, city and county, or city, such aid shall be rendered in accordance with approved emergency plans.

It shall be the duty of public officials to cooperate to the fullest possible extent in carrying out such plans.

8617. In periods other than a state of war emergency, a state of emergency, or a local emergency, state agencies and political subdivisions have authority to exercise mutual aid powers in accordance with the Master Mutual Aid Agreement and local ordinances, resolutions, agreements, or plans therefor.

8618. Unless otherwise expressly provided by the parties, the responsible local official in whose jurisdiction an incident requiring mutual aid has occurred shall remain in charge at such incident, including the direction of personnel and equipment provided him through mutual aid.

8619. The Governor may on behalf of this state enter into reciprocal aid agreements or compacts, mutual aid plans, or other interstate arrangements for the protection of life and property with other states and the federal government, either on a statewide basis or a political subdivision basis. Prior to committing the personnel, equipment, or facilities of any political subdivision of this state, the Governor shall consult with the chief executive or governing body of such political subdivision. Such mutual aid arrangements may include the fur-

nishing or exchange, on such terms and conditions as are deemed necessary, of supplies, equipment, facilities, personnel, and services.

Article 12. State of War Emergency

8620. During a state of war emergency the Governor shall have complete authority over all agencies of the state government and the right to exercise within the area or regions designated all police power vested in the state by the Constitution and laws of the State of California in order to effectuate the purposes of this chapter. In exercise thereof he shall promulgate, issue, and enforce such orders and regulations as he deems necessary for the protection of life and property, in accordance with the provisions of Section 8567.

8621. During a state of war emergency every department, commission, agency, board, officer, and employee of the state government and of every political subdivision, county, city and county, or city, public district, and public corporation of or in the state is required to comply with the lawful orders and regulations of the Governor made or given within the limits of his authority as provided for herein. Every such officer or employee who refuses or willfully neglects to obey any such order or regulation of the Governor, or who willfully resists, delays, or obstructs the Governor in the discharge of any of his functions hereunder, is guilty of a misdemeanor. In the event that any such officer or employee shall refuse or willfully neglect to obey any such order or regulation, the Governor may by his order temporarily suspend him from the performance of any and all the rights, obligations, and duties of his office or position for the remainder of the period of the state of war emergency, and the Governor may thereupon designate the person who shall carry on the rights, obligations, and duties of the office or position for the duration of such suspension.

8622. During a state of war emergency, the Governor, any state agency, or any agency acting under the authority of this chapter may exercise outside the territorial limits of this state any of the powers conferred upon him or it by or pursuant to this chapter.

8623. During a state of war emergency, any person holding a license, certificate, or other permit issued by any state evidencing the meeting of the qualifications of such state for professional, mechanical, or other skills, may render aid involving such skill to meet the emergency as fully as if such license, certificate, or other permit had been issued in this state if a substantially similar license, certificate, or other permit is issued in this state to applicants possessing the same professional, mechanical, or other skills.

8624. (a) Whenever it appears that a state of war emergency will continue for more than seven days, the Governor

shall call a meeting of the Emergency Council not later than the seventh day.

(b) All of the powers granted the Governor by this chapter with respect to a state of war emergency shall terminate when:

(1) The state of war emergency has been terminated by proclamation of the Governor or by concurrent resolution of the Legislature declaring it at an end; or

(2) The Governor has failed to call a meeting of the Emergency Council within the period prescribed in subdivision (a) of this section; or

(3) The Governor has not within 30 days after the beginning of such state of war emergency issued a call for a special session of the Legislature for the purpose of legislating on subjects relating to such state of war emergency, except when the Legislature is already convened with power to legislate on such subjects.

Article 13. State of Emergency

8625. The Governor is hereby empowered to proclaim a state of emergency in an area affected or likely to be affected thereby when:

(a) He finds that circumstances described in subdivision (b) of Section 8558 exist; and either

(b) He is requested to do so (1) in the case of a city by the mayor or chief executive, (2) in the case of a county by the chairman of the board of supervisors or the county administrative officer; or

(c) He finds that local authority is inadequate to cope with the emergency.

8626. Such proclamation shall be in writing and shall take effect immediately upon its issuance. As soon thereafter as possible such proclamation shall be filed in the office of the Secretary of State. The Governor shall cause widespread publicity and notice to be given such proclamation.

8627. During a state of emergency the Governor shall, to the extent he deems necessary, have complete authority over all agencies of the state government and the right to exercise within the area designated all police power vested in the state by the Constitution and laws of the State of California in order to effectuate the purposes of this chapter. In exercise thereof, he shall promulgate, issue, and enforce such orders and regulations as he deems necessary, in accordance with the provisions of Section 8567.

8628. During a state of emergency the Governor may direct all agencies of the state government to utilize and employ state personnel, equipment, and facilities for the performance of any and all activities designed to prevent or alleviate actual and threatened damage due to the emergency; and he may direct such agencies to provide supplemental services and equipment to political subdivisions to restore any services which must be restored in order to provide for the

health and safety of the citizens of the affected area. Any agency so directed by the Governor may expend any of the moneys which have been appropriated to it in performing such activities, irrespective of the particular purpose for which the money was appropriated.

8629. The Governor shall proclaim the termination of a state of emergency at the earliest possible date that conditions warrant. All of the powers granted the Governor by this chapter with respect to a state of emergency shall terminate when the state of emergency has been terminated by proclamation of the Governor or by concurrent resolution of the Legislature declaring it at an end.

Article 14. Local Emergency

8630. A local emergency may be proclaimed only by the governing body of a county, city and county, or city or by an official so designated by ordinance adopted by such governing body. Whenever a local emergency is proclaimed by an official designated by ordinance, the local emergency shall not remain in effect for a period in excess of seven days unless it has been ratified by the governing body. The governing body shall review, at least every 14 days until such local emergency is terminated, the need for continuing the local emergency and shall proclaim the termination of such local emergency at the earliest possible date that conditions warrant.

8631. In periods of local emergency, political subdivisions have full power to provide mutual aid to any affected area in accordance with local ordinances, resolutions, emergency plans, or agreements therefor.

8632. State agencies may provide mutual aid, including personnel, equipment, and other available resources, to assist political subdivisions during a local emergency or in accordance with mutual aid agreements or at the direction of the Governor.

8633. In the absence of a state of war emergency or state of emergency, the cost of extraordinary services incurred by political subdivisions in executing mutual aid agreements shall constitute a legal charge against the state when approved by the Governor in accordance with orders and regulations promulgated as prescribed in Section 8567.

8634. During a local emergency the governing body of a political subdivision, or officials designated thereby, may promulgate orders and regulations necessary to provide for the protection of life and property, including orders or regulations imposing a curfew within designated boundaries where necessary to preserve the public order and safety. Such orders and regulations and amendments and rescissions thereof shall be in writing and shall be given widespread publicity and notice.

The authorization granted by this chapter to impose a curfew shall not be construed as restricting in any manner the existing authority of counties and cities and any city and

county to impose pursuant to the police power a curfew for any other lawful purpose.

Article 15. Preservation of Local Government

8635. The Legislature recognizes that if this state or nation were attacked by an enemy of the United States, many areas in California might be subjected to the effects of an enemy attack and some or all of these areas could be severely damaged. During such attacks and in the reconstruction period following such attacks, law and order must be preserved and so far as possible government services must be continued or restored. This can best be done by civil government. To help to preserve law and order and to continue or restore local services, it is essential that the local units of government continue to function.

In enacting this article the Legislature finds and declares that the preservation of local government in the event of enemy attack is a matter of statewide concern. The interdependence of political subdivisions requires that, for their mutual preservation and for the protection of all the citizens of the State of California, all political subdivisions have the power to take the minimum precautions set forth in this article. The purpose of this article is to furnish a means by which the continued functioning of political subdivisions will be assured. Should any part of this article be in conflict with or inconsistent with any other part of this chapter, the provisions of this article shall control.

Nothing in this article shall prevent a city or county existing under a charter from amending said charter to provide for the preservation and continuation of its government in the event of a state of war emergency.

8636. As used in this article, "unavailable" means that an officer is either killed, missing, or so seriously injured as to be unable to attend meetings and otherwise perform his duties. Any question as to whether a particular officer is unavailable shall be settled by the governing body of the political subdivision or any remaining available members of said body (including standby officers who are serving on such governing body).

8637. Each political subdivision may provide for the succession of officers who head departments having duties in the maintenance of law and order or in the furnishing of public services relating to health and safety.

8638. To provide for the continuance of the legislative and executive departments of the political subdivision during a state of war emergency, the governing body thereof shall have the power to appoint the following standby officers:

(a) Three for each member of the governing body,

(b) Three for the chief executive, if he is not a member of the governing body.

In case a standby office becomes vacant because of removal death, resignation, or other cause, the governing body shall have the power to appoint another person to fill said office.

Standby officers shall be designated Nos. 1, 2, and 3 as the case may be.

8639. The qualifications of each standby officer should be carefully investigated, and the governing body may request the Director of the Office of Emergency Services to aid in the investigation of any prospective appointee. No examination or investigation shall be made without the consent of the prospective appointee.

Consideration shall be given to places of residence and work, so that for each office for which standby officers are appointed there shall be the greatest probability of survivorship. Standby officers may be residents or officers of a political subdivision other than that to which they are appointed as standby officers.

8640. Each standby officer shall take the oath of office required for the officer occupying the office for which he stands by. Persons appointed as standby officers shall serve in their posts as standby officers at the pleasure of the governing body appointing them and may be removed and replaced at any time with or without cause.

8641. Each standby officer shall have the following duties:

(a) To inform himself of the duties of the office for which he stands by. Officers and employees of the political subdivision shall assist him and each political subdivision shall provide each standby officer with a copy of this article.

(b) To keep informed of the business and affairs of the political subdivision to the extent necessary to enable him to fill his post competently. For this purpose the political subdivision may arrange information meetings and require attendance.

(c) To immediately report himself ready for duty in the event of a state of war emergency at the place and in the method previously designated by the political subdivision.

(d) To fill the post for which he has been appointed when the regular officer is unavailable during a state of war emergency. Standby officers Nos. 2 and 3 shall substitute in succession for standby officer No. 1 in the same way that said standby officer is substituted in place of the regular officer. He shall serve until the regular officer becomes available or until the election or appointment of a new regular officer.

8642. Whenever a state of war emergency exists the governing body of the political subdivision shall meet as soon as possible. The place of meeting need not be within the political subdivision. The meeting may be called by the chief executive of the political subdivision or by a majority of the members of the governing body. Should there be only one member of the governing body, he may call and hold said meeting and perform acts necessary to reconstitute the governing body.

8643. During a state of war emergency the governing body shall:

(a) Ascertain the damage to the political subdivision and its personnel and property. For this purpose it shall have the power to issue subpoenas to compel the attendance of witnesses and the production of records.

(b) Proceed to reconstitute itself by filling vacancies until there are sufficient officers to form the largest quorum required by the law applicable to that political subdivision. Should only one member of the governing body or only one standby officer be available, that one shall have power to reconstitute the governing body.

(c) Proceed to reconstitute the political subdivision by appointment of qualified persons to fill vacancies.

(d) Proceed to perform its functions in the preservation of law and order and in the furnishing of local services.

8644. Should all members of the governing body, including all standby members, be unavailable, temporary officers shall be appointed to serve until a regular member or a standby member becomes available or until the election or appointment of a new regular or standby member. Temporary officers shall be appointed as follows:

(a) By the chairman of the board of supervisors of the county in which the political subdivision is located, and if he is unavailable,

(b) By the chairman of the board of supervisors of any other county within 150 miles of the political subdivision, beginning with the nearest and most populated county and going to the farthest and least populated, and if he is unavailable,

(c) By the mayor of any city within 150 miles of the political subdivision, beginning with the nearest and most populated city and going to the farthest and least populated.

Article 16. General Fiscal Provisions

8645. In addition to any appropriation made to support activities contemplated by this chapter, the Governor is empowered to make expenditures from any fund legally available in order to deal with actual or threatened conditions of a state of war emergency, state of emergency, or local emergency.

8646. In carrying out the provisions of this chapter, the Governor may:

(a) Procure and maintain offices in such parts of the state as may be necessary or convenient;

(b) Acquire property, real or personal, or any interest therein;

(c) Cooperate and contract with public and private agencies for the performance of such acts, the rendition of such services, and the affording of such facilities as may be necessary and proper;

(d) Do such other acts and things as may be necessary and incidental to the exercise of powers and the discharge of

duties conferred or imposed by the provisions of this chapter.

8647. (a) Whenever the federal government or any agency or officer thereof shall offer to the state, or through the state to any political subdivision thereof, services, equipment, supplies, materials, or funds by way of gift, grant, or loan, for purposes of the mitigation of the effects of an emergency, the state, acting through the Governor, or such political subdivision, acting with the consent of the Governor and through its chief executive or governing body, may accept such offer.

(b) Whenever any person, firm, or corporation shall offer to the state or to any political subdivision thereof, services, equipment, supplies, materials, or funds by way of gift, grant, or loan, for purposes of the mitigation of the effects of an emergency, the state, acting through the Governor, or such political subdivision, acting through its chief executive or governing body, may accept such offer.

(c) Upon acceptance, the Governor of the state or the chief executive or governing body of such political subdivision may authorize any officer of the state or of the political subdivision, as the case may be, to receive such services, equipment, supplies, materials, or funds on behalf of the state or such political subdivision, subject to the terms of the offer and subject to the rules and regulations, if any, of a federal agency making such offer.

8648. The Governor may reimburse any state agency for funds expended in the performance of any and all activities as set forth in Section 8628 in accordance with orders and regulations promulgated as prescribed in Section 8567. Such reimbursement shall be subject to the provisions of Section 8649.

8649. Subject to the approval of the Department of Finance, any state agency may use its personnel, property, equipment, and appropriations for carrying out the purposes of this chapter, and in that connection may loan personnel to the Office of Emergency Services. The Department of Finance shall determine whether reimbursement shall be made to any state agency for expenditures heretofore or hereafter made or incurred for such purposes from any appropriation available for the Office of Emergency Services, except that as to any expenditure made or incurred by any state agency the funds of which are subject to constitutional restriction which would prohibit their use for such purposes, such reimbursement shall be provided and the original expenditure shall be considered a temporary loan to the General Fund of the state.

8650. Any funds received by state agencies as reimbursement for services or supplies furnished under the authority of this chapter shall be deposited to the credit of the appropriation or appropriations from which the expenditures were made.

8651. The Director of the Office of Emergency Services may procure from the federal government or any of its agencies such surplus equipment, apparatus, supplies, and storage facili-

ties therefor as may be necessary to accomplish the purposes of this chapter.

8652. Before payment may be made by the state to any person in reimbursement for taking or damaging private property necessarily utilized by the Governor in carrying out his responsibilities under this chapter during a state of war emergency or state of emergency, or for services rendered at the instance of the Governor under said conditions, such person must present a claim to the State Board of Control in accordance with the provisions of the Government Code governing the presentation of claims against the state for the taking or damaging of private property for public use, which provisions shall govern the presentment, allowance, or rejection of such claims and the conditions upon which suit may be brought against the state. Payment for such property or services shall be made from any funds appropriated by the state for such purpose.

8653. In the event that the Governor, during a state of war emergency or a state of emergency and in the exercise of the emergency powers vested in him, shall order the officers, employees, or agencies of any county, city and county, city, or district to perform duties outside of the territorial limits of their respective agencies, any services performed or expenditures made in connection therewith by any such agency shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of such agency. During a state of war emergency or a state of emergency in the event that any equipment owned, leased, or operated by any county, city and county, city, or district, is damaged or destroyed while being used outside of the territorial limits of the public agency owning such equipment, the public agency suffering loss shall be entitled to file a claim for the amount thereof against the State of California in the manner provided in Section 8652. Such agency shall have no claim against the state for services of such personnel or for the rental, use, or ordinary wear and tear of such equipment, except such extraordinary services incurred by local governmental agencies in executing mutual aid agreements.

Article 17. Privileges and Immunities

8655. The state or its political subdivisions shall not be liable for any claim based upon the exercise or performance, or the failure to exercise or perform, a discretionary function or duty on the part of a state or local agency or any employee of the state or its political subdivisions in carrying out the provisions of this chapter.

8656. All of the privileges and immunities from liability; exemptions from laws, ordinances, and rules; all pension, relief, disability, workmen's compensation, and other benefits which apply to the activity of officers, agents, or employees of any political subdivision when performing their respective

functions within the territorial limits of their respective political subdivisions, shall apply to them to the same degree and extent while engaged in the performance of any of their functions and duties extraterritorially under the provisions of this chapter.

8657. (a) Volunteers duly enrolled or registered with the Office of Emergency Services or any disaster council of any political subdivision, or unregistered persons duly impressed into service during a state of war emergency or state of emergency, in carrying out, complying with, or attempting to comply with, any order or regulation issued or promulgated pursuant to the provisions of this chapter or any local ordinance, or performing any of their authorized functions or duties or training for the performance of their authorized functions or duties, shall have the same degree of responsibility for their actions and enjoy the same immunities as officers and employees of the state and its political subdivisions performing similar work for their respective entities.

(b) No political subdivision or other public agency under any circumstances, nor the officers, employees, agents, or duly enrolled or registered volunteers thereof, or unregistered persons duly impressed into service during a state of war emergency or state of emergency, acting within the scope of their official duties under this chapter or any local ordinance shall be liable for personal injury or property damage sustained by any duly enrolled or registered volunteer engaged in or training for emergency preparedness or relief activity, or by any unregistered person duly impressed into service during a state of war emergency or state of emergency and engaged in such service. The foregoing shall not affect the right of any such person to receive benefits or compensation which may be specifically provided by the provisions of any federal or state statute nor shall it affect the right of any person to recover under the terms of any policy of insurance.

8658. In any case in which an emergency endangering the lives of inmates of a state, county, or city penal or correctional institution has occurred or is imminent, the person in charge of the institution may remove the inmates from the institution. He shall, if possible, remove them to a safe and convenient place and there confine them as long as may be necessary to avoid the danger, or, if that is not possible, may release them. Such person shall not be held liable, civilly or criminally, for acts performed pursuant to this section.

8659. Any physician or surgeon (whether licensed in this or any other state), hospital, nurse, or dentist who renders services during any state of war emergency or state of emergency at the express or implied request of any responsible state or local official or agency shall have no liability for any injury sustained by any person by reason of such services, regardless of how or under what circumstances or by what cause such injuries are sustained; provided, however, that the

immunity herein granted shall not apply in the event of a willful act or omission.

8660. No other state or its officers or employees rendering aid in this state pursuant to any interstate arrangement, agreement, or compact shall be liable on account of any act or omission in good faith on the part of such state or its officers or employees while so engaged, or on account of the maintenance or use of any equipment or supplies in connection with an emergency.

Article 18. Political Activity

8661. No organization established under the authority of this chapter shall participate in any form of political activity nor shall it be employed directly or indirectly for political purposes.

Article 19. Penalties and Severability

8665. Any person who violates any of the provisions of this chapter or who refuses or willfully neglects to obey any lawful order or regulation promulgated or issued as provided in this chapter, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not to exceed five hundred dollars ($500) or by imprisonment for not to exceed six months or by both such fine and imprisonment.

8666. If any section, subdivision, subsection, sentence, clause, or phrase in this chapter, or the application thereof to any person or circumstances, is for any reason held invalid, the validity of the remainder of the chapter, 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 chapter and each section, subdivision, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more sections, subdivisions, subsections, sentences, clauses, or phrases, or the application thereof to any person or circumstance, be held invalid.

Article 20. Effect Upon Existing Matters

8668. (a) Any disaster council previously accredited, the State Civil Defense and Disaster Plan, the State Emergency Resources Management Plan, the State Fire Disaster Plan, the State Law Enforcement Mutual Aid Plan, all previously approved civil defense and disaster plans, all mutual aid agreements, and all other documents and agreements existing as of the effective date of this chapter, shall remain in full force and effect until revised, amended, or revoked in accordance with the provisions of this chapter.

(b) Nothing in this chapter shall be construed to diminish or remove any authority of any city, county, or city and county granted by Section 11 of Article XI of the California Constitution.

SEC. 2.5. Section 11556 of the Government Code is amended to read:

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, Office of Emergency Services

(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

SEC. 3. 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 or (iii) as provided in Sections 8597, 8598, and 8617 of the Government Code.

(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. 4. 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 8597 of the Government 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 8597 of the Government 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 8597 of the Government 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. 5. It is the intent of the Legislature in enacting Section 8586 of the Government Code to provide that the

employees of the California Disaster Office, which is renamed the Office of Emergency Services by this act, who are under an interim merit system, shall be subject to the State Civil Service Act in order to enable the state to conform with the standards of the United States Department of Defense and thereby be eligible for allocations of federal funds. It is also the intent of the Legislature that Article 5 (commencing with Section 8585) of Chapter 7, of Division 1 of Title 2 of the Government Code, as added by this act, shall be implemented insofar as it is possible without prejudice or detriment to the employees under the interim merit system of the former California Disaster Office with respect to classification or position.

SEC. 3. In the event of a conflict between A.B. 560 and any other bill enacted at the 1970 Regular Session of the Legislature, the other bill shall prevail regardless of whether it has a higher chapter number than A.B. 560.

CHAPTER 1455

An act to add Section 10703.3 to the Education Code, relating to student body funds.

[Approved by Governor September 19, 1970 Filed with Secretary of State September 19, 1970]

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

SECTION 1. Section 10703.3 is added to the Education Code, to read:

10703.3. The funds of a student body organization established in the public schools for kindergarten and grades 1 to 6, inclusive, of any school district maintaining kindergarten and grades 1 to 6, inclusive, may be used to finance activities for noninstructional periods or to augment or to enrich the programs provided by the district.

CHAPTER 1456

An act relating to sales and use taxation.

[Approved by Governor September 19, 1970 Filed with Secretary of State September 19, 1970]

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

SECTION 1. Notwithstanding Section 6388 of the Revenue and Taxation Code, where a new truck trailer with an unladen weight of 6,000 pounds or more is purchased for use without this state and is delivered by the manufacturer to the purchaser within this state, and such purchaser drives or moves such vehicle from the manufacturer's place of business in this

state to any point outside this state within 30 days from and after the date of delivery, there are exempted from the taxes imposed by Part 1 (commencing with Section 6001), Part 1.5 (commencing with Section 7200), Part 1.6 (commencing with Section 7251), and Part 17 (commencing with Section 37001) of Division 2 of the Revenue and Taxation Code the gross receipts from the sale of and the storage, use or other consumption of such vehicle within the state, provided that the purchaser furnishes the following to the manufacturer:

(a) Written evidence of an out-of-state license and registration for such vehicle.

(b) The purchaser's affidavit attesting that he purchased such vehicle from a dealer at a specified location for use exclusively outside this state, or exclusively in interstate commerce.

(c) The purchaser's affidavit that such vehicle has been moved or driven to a point outside this state within 30 days of the date of the delivery of the vehicle to him.

SEC. 2. The Legislative Analyst shall report to the Legislature on or before October 1, 1973, on the net revenue effect of Section 1 of this act, which shall include, but not be limited to, the reduction in sales tax revenue, the increase in economic activity by the truck trailer manufacturing industry, including any multiplier effect, and the increase in tax revenue due to such activity.

SEC. 3. Section 1 of this act shall be operative from July 1, 1971, to December 31, 1974, inclusive, and after that date shall have no further force or effect.

CHAPTER 1457

An act to add Section 6396 to the Revenue and Taxation Code, relating to sales tax, to take effect immediately, tax levy.

[Approved by Governor September 19, 1970. Filed with Secretary of State September 19, 1970.]

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

SECTION 1. Section 6396 is added to the Revenue and Taxation Code, to read:

6396. There are exempted from the computation of the amount of the sales tax the gross receipts from the sale of tangible personal property which, pursuant to the contract of sale, is required to be shipped and is shipped to a point outside this state by the retailer by means of: (a) facilities operated by the retailer, or (b) delivery by the retailer to a carrier, customs broker or forwarding agent, whether hired by the purchaser or not, for shipment to such out-of-state point.

For purposes of this section, the term "carrier" shall mean a person or firm engaged in the business of transporting for

compensation tangible personal property owned by other persons, and includes both common and contract carriers. The term "forwarding agent" shall mean a person or firm engaged in the business of preparing property for shipment or arranging for its shipment.

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 1458

An act to add Section 35504.5 to, and Chapter 3.5 (commencing with Section 36250) to Part 6 of Division 13 of, the Water Code, relating to California water districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 19, 1970. Filed with Secretary of State September 19, 1970.]

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

SECTION 1. Section 35504.5 is added to the Water Code, to read:

35504.5. Notwithstanding the provisions of Section 35504, a district may exercise the powers granted a district by this article after a hearing by the board on the question of whether or not the district shall exercise any or all the powers granted by this article. Notice of such hearing shall be given in the manner specified in Section 36254. At the time of the hearing, the board shall hear all interested persons and receive any written protests by any owner of property within the district. Protests shall be made in the manner provided in Section 36255. The board shall not exercise any of the powers granted by this article if a majority written protest is filed against the exercise of such powers. Whether or not a majority protest is made shall be determined in the manner provided in Section 36256.

SEC. 2. Chapter 3.5 (commencing with Section 36250) is added to Part 6 of Division 13 of the Water Code, to read:

CHAPTER 3.5. ALTERNATE PROVISIONS FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS

Article 1. General

36250. The provisions of this chapter are in addition to any and all other provisions of this division, the California Water District Law, and any other applicable laws for the issuance of general obligation bonds by a district or an improvement district thereof.

Article 2. Authorization of Bonds and Issuance

36251. In the event the board determines to provide for the issuance of general obligation bonds under the provisions

of this chapter, it shall prepare and adopt a plan of works and an estimate of the amount of money necessary to raise for such purposes for which bonds may be issued. The estimate required pursuant to this section shall include every expense of the district which it is probable will be incurred and become payable before the expiration of one year from the completion of the works, including the interest on any bonds of the district to be due and payable prior to the date for which the money of the district then in the treasury or thereafter to be received from an assessment previously levied is inadequate.

36252. Bonds may be issued for the purposes of acquiring or constructing works for irrigation, domestic, municipal and industrial water supply and to furnish facilities and services within or without the district to the extent provided for in Section 35500 for the collection, treatment and disposal of sewage, waste and storm water including the acquisition of necessary property for these works, acquiring funds to fulfill contractual commitments to carry out the powers and purposes of the district contained in contracts with other agencies, acquiring all or part of the operating funds for the district, the total amount of such funds so acquired not to exceed at any time an amount equal to the total operating costs of the district for a two-year period as estimated by its board, acquiring any property necessary for the purposes of the district, and otherwise carrying out the provisions of this division.

36253. Subsequent to the receipt of the plan of works provided for in Section 36251, the board may approve or modify the proposed plan of works, and thereafter by the adoption of a resolution may declare its intention to issue general obligation bonds to acquire or construct improvements described in the approved plan of works and to issue general obligation bonds of the district, or on behalf of an improvement district thereof, the interest and principal of which shall be paid by annual ad valorem taxes on the taxable land within the district or improvement district. In such case the resolution shall state the following:

(a) It is the intention of the board to acquire or construct improvements described in the approved plan of works and to issue general obligation bonds, the proceeds of which shall be used to pay the expenses thereof as set forth in the estimate provided for in Section 36251.

(b) A description of the purpose of the plan.

(c) The estimated expense of carrying out the plan of works.

(d) Assessments for carrying out such purpose shall be levied exclusively on the lands of the district or improvement district, including any territory annexed thereto.

(e) A map of the exterior boundaries of the district or improvement district is on file with the secretary of the district and is available for inspection by any person or persons interested.

(f) The date, time and place of the hearing by the board in regard to the foregoing plan at which time the board will,

thereupon, determine the benefit or lack thereof to the lands within the district or improvement district thereof and, at which time all interested persons will be heard and written protests, if any, will be considered.

36254. Notice of such hearing shall be given by publishing a copy of the resolution provided for in Section 36253 in a newspaper of general circulation, published in each affected county, pursuant to Section 6066 of the Government Code, the first publication to be at least 14 days prior to the time fixed for hearing. Such notice shall also be given by posting a copy of the resolution in three public places within the district or the improvement district, for at least 14 days prior to the time fixed for the hearing. Also notice thereof shall be given by certified mailing a certified copy of the resolution to each property owner shown on the last equalized assessment roll. The mailing of such notices shall be completed not less than 14 days prior to the hearing. No other notice other than that required by this section need be given.

36255. At any time not later than the hour set for hearing objections to the proposed plan of works and the issuance of general obligation bonds therefor, any owner of property liable to be assessed therefor may make written protest. Such protest shall be in writing, shall contain a description of the property in which each signer has an interest, sufficient to identify the same and if the signers are not shown on the last equalized assessment roll as the owners of such property, such protest shall contain or be accomplished by written evidence that such signers are the owners of such property. All such protests shall be delivered to the secretary of the district.

36256. At the time set for hearing protests, the board shall hear and pass upon all protests made as provided for in Section 36254 and its decision shall be final and conclusive. The board may adjourn the hearings from time to time and any written protest may be withdrawn by an owner making the same in writing at any time prior to the conclusion of the hearing or any such adjournment thereof.

36257. If a majority written protest is made pursuant to Section 36255 against the plan of works, the proposed issuance of general obligation bonds therefor or the amount thereof, and the board finds that the protest is made by either one-half or more of the area proposed to be assessed for the payment of the general obligation bonds proposed to be issued, or more than one-half of the assessed valuation of the land within the boundaries of the district or the improvement district to be assessed for the payment of the interest and principal of the general obligation bonds proposed to be issued, and such protests are not withdrawn so as to reduce the same to less than a majority in either instance, the proceedings shall be terminated and no further proceedings shall be taken for a period of one year from the date of the decision of the board on the hearing.

36258. The last equalized assessment roll shall be used as a basis for determining whether or not a majority written protest has been made. The board shall be under no duty to obtain or consider any other evidence as to ownership of property and its determination of ownership shall be final and conclusive.

36259. If at the conclusion of the hearing the board determines that all of the lands included within the district and the boundaries of the improvement district described in the plan of works will be benefited and a majority protest as provided for in this article has not been received, the board may thereafter issue general obligation bonds of the district or the improvement district in an amount not in excess of the estimate provided for in Section 36251. Any bonds authorized to be issued to accomplish the plan of works as provided for in Section 36251 for the district or for an improvement district shall be issued and sold in the same manner and upon the same terms and conditions as other general obligation bonds of the district.

36260. Bonds issued hereunder and interest which accrues thereon shall be paid in a manner identical to bonds issued on behalf of a district or improvement district of a California water district as otherwise provided in this division.

36261. The Special Assessment Investigation, Limitation and Majority Protest Act of 1931 shall not apply to any proceedings under this chapter.

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 exists in one or more California water districts situations in which the public interest requires the immediate financing of sewer improvements both throughout such districts as a whole and portions thereof. At least one such entity needs to authorize the exercise of sewer powers in the manner provided in this act, and recent legal decisions have created uncertainties which need to be clarified. This act will clarify and supplement the previous legislation for such exercise of powers and the financing of needed facilities which allow such a district, in an orderly manner, to resolve and reduce the public health and safety problems of the state. It is necessary, therefore, that this act go into immediate effect.

CHAPTER 1459

An act to amend Section 423.5 of the Revenue and Taxation Code, relating to the assessment of open-space lands.

[Approved by Governor September 19, 1970. Filed with Secretary of State September 19, 1970.]

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

SECTION 1. Section 423.5 of the Revenue and Taxation Code is amended to read:

423.5. When valuing open-space land subject to an enforceable restriction and used for the production of timber for commercial purposes, the board, for purposes of surveys required by Section 1815, and the county assessor shall not consider sales data on lands, whether or not subject to an enforceable restriction, but shall determine the value of such timberland to be the present worth of the income which the future harvest of timber crops from the land can reasonably be expected to yield and the present worth of the income attributable to other allowed compatible uses of the land. The value of timberland pursuant to this section shall be determined in accordance with rules and regulations issued by the board. In determining the value of timberland pursuant to this section, the board and the county assessor shall use the capitalization rate derived pursuant to subdivision (b) of Section 423. The ratio prescribed in Section 401 shall be applied to the value of the land determined in accordance with this section to obtain its assessed value.

Where the land being valued is not capable of producing income or is not used to produce income or where sufficient information is not available by which income can be determined as provided in this section the board and the assessor shall impute to the land a reasonable amount to be considered as income for the purposes of this section.

There shall be a rebuttable presumption that "prudent management" does not include use of the land for recreational use, as defined in subdivision (n) of Section 51201 of the Government Code, unless the land is actually devoted to such use.

CHAPTER 1460

An act relating to Higher Horizon Summer Program, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 19, 1970. Filed with Secretary of State September 19, 1970.]

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

SECTION 1. The sum of ten thousand dollars ($10,000) is hereby appropriated from the unexpended appropriations made pursuant to Section 5995 of the Education Code, to the California Museum of Science and Industry (Article 1 (commencing with Section 4101) of Chapter 6 of Part 3 of Division 3 of the Agricultural Code) for the development and operation

of a Higher Horizon Summer Program. The activities of the program shall be directed to strengthening the skills and broadening the knowledge of students in the areas of mathematics and science.

The California Museum of Science and Industry may contract with, and receive and expend funds with, any public or private nonprofit agency, foundation, or corporation for the purposes of this 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:

In order that funds be made available to the California Museum of Science and Industry to initiate the development of the Higher Horizon Summer Program at the earliest possible time so that the program will be in operation for the summer of 1970, and in view of the absence of funds for this purpose in the Budget Act of 1970, it is necessary that this act take effect immediately.

CHAPTER 1461

An act to amend Section 869 of, and to repeal Section 869.5 of the Penal Code, relating to transcripts of preliminary hearings.

[Approved by Governor September 19, 1970. Filed with Secretary of State September 19, 1970.]

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

SECTION 1. Section 869 of the Penal Code is amended to read:

869. The testimony of each witness in cases of homicide must be reduced to writing, as a deposition, by the magistrate, or under his direction, and in other cases upon the demand of the prosecuting attorney, or the defendant, or his counsel. The magistrate before whom the examination is had may, in his discretion, order the testimony and proceedings to be taken down in shorthand in all examinations herein mentioned, and for that purpose he may appoint a shorthand reporter. The deposition or testimony of the witness must be authenticated in the following form:

First—It must state the name of the witness, his place of residence, and his business or profession.

Second—It must contain the questions put to the witness and his answers thereto, each answer being distinctly read to him as it is taken down, and being corrected or added to until it conforms to what he declares is the truth, except in cases where the testimony is taken down in shorthand, the answer or answers of the witness need not be read to him.

Third—If a question put be objected to on either side and overruled, or the witness declines answering it, that fact, with the ground on which the question was overruled or the answer declined, must be stated.

Fourth—The deposition must be signed by the witness, or if he refuses to sign it, his reason for refusing must be stated in writing, as he gives it, except in cases where the deposition is taken down in shorthand, it need not be signed by the witness.

Fifth—The reporter shall, within 10 days after the close of such examination, if the defendant be held to answer the charge, transcribe his shorthand notes, making an original and one copy and as many additional copies thereof as there are defendants (other than fictitious defendants), regardless of the number of charges or fictitious defendants included in the same examination, and certify and deliver the original and all copies to the county clerk of the county in which the defendant was examined. One copy of the transcript shall be furnished by the reporter without charge to the county. The reporter shall, before receiving any compensation as such reporter, file with the auditor of the county his affidavit setting forth that said transcript has been delivered to the county clerk within the time herein provided for. The compensation of the reporter for any services rendered by him as such reporter in any court of this state shall be reduced one-half if the provisions of this section as to the time of filing said transcript have not been complied with by him.

Sixth—In every case in which a transcript is delivered as provided in this section, the county clerk shall file the original of said transcript with the papers in the case, and shall deliver a copy of said transcript to the district attorney immediately upon his receipt thereof and shall deliver a copy of said transcript to each defendant (other than a fictitious defendant) at least five days before trial or upon earlier demand by him without cost to him; provided, however, that if any defendant be held to answer to two or more charges upon the same examination and thereafter the district attorney shall file separate informations upon said several charges, the delivery to each such defendant of one copy of the transcript of said examination shall be a compliance with this section as to all of said informations.

Seventh—If said transcript is delivered by the reporter within the time hereinbefore provided for, the reporter shall be entitled to receive the compensation fixed and allowed by law to reporters in the superior courts of this state.

SEC. 2. Section 869.5 of the Penal Code is repealed.

CHAPTER 1462

An act to amend Section 50247 of the Government Code, to amend Sections 2285, 14912, and 25863 of, and to add Section 2285.5 to, the Health and Safety Code, to amend Section 4179 of, and to add Section 4179.5 to, the Public Resources Code, and to amend Section 13305 of the Water Code, relating to liens.

[Approved by Governor September 19, 1970. Filed with Secretary of State September 19, 1970.]

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

SECTION 1. Section 50247 of the Government Code is amended to read:

50247. The cost of abatement upon each parcel of land constitutes a special assessment against that parcel. After the assessment is made and confirmed, it is a lien on the parcel. Such lien attaches upon recordation in the office of the county recorder of the county in which the property is situated of a certified copy of the resolution of confirmation. The assessment may be collected at the same time and in the same manner as ordinary municipal ad valorem taxes are collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for such taxes. All laws applicable to the levy, collection and enforcement of municipal ad valorem taxes shall be applicable to such assessment.

SEC. 2. Section 2285 of the Health and Safety Code is amended to read:

2285. Notice of the lien, particularly identifying the property on which the nuisance was abated and the amount of such lien, shall be recorded by the district board in the office of the county recorder of the county in which the property is situated within one year after the first item of expenditure by the board or within 90 days after the completion of the work, which ever first occurs. Upon such recordation, such lien shall have the same force, effect, and priority as if it had been a judgment lien imposed upon real property which was not exempt from execution, except that it shall attach only against the property on which such nuisance was abated.

SEC. 3. Section 2285.5 is added to the Health and Safety Code, to read:

2285.5. The district board may at any time release all or any portion of the property subject to a lien imposed pursuant to Sections 2284 and 2285 from the lien or subordinate such a lien to other liens and encumbrances if it determines that the amount owed is sufficiently secured by a lien on other property or that the release or subordination of such lien will not jeopardize the collection of such amount owed. A certificate by the board, or its designee, to the effect that any property has been released from such lien or that such lien has been

subordinated to other liens and encumbrances shall be conclusive evidence that the property has been released or that the lien has been subordinated as provided in such certificate.

SEC. 4. Section 14912 of the Health and Safety Code is amended to read:

14912. The amounts of the cost for abating the nuisance in front of or upon the various parcels of the land mentioned in the report as confirmed shall constitute special assessments against the respective parcels of land, and are a lien on the property for the amount of the respective assessments. Such lien attaches upon recordation in the office of the county recorder of the county in which the property is situated of a certified copy of the resolution of confirmation. The assessment may be collected at the same time and in the same manner as ordinary municipal ad valorem taxes are collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for such taxes. All laws applicable to the levy, collection and enforcement of municipal ad valorem taxes shall be applicable to such assessment.

SEC. 5. Section 25863 of the Health and Safety Code is amended to read:

25863. (a) A lien in favor of the people of California shall be imposed upon any object, building, structure, or premises for the reasonable amount of expenses and costs incurred by the department in carrying out the provisions of Section 25862, 25862.1, 25862.3, or 25862.4 if the owner of the property or of any interest therein is the person responsible for the contamination, and to the extent of the interest of such person. Notice of lien or notice of intent to impose a lien shall be posted by the department upon any object, building, structure, or premises impounded or seized by the department and notice of lien or notice of intent to impose a lien shall be filed with the county recorder of the county in which they are located.

The lien shall not become effective until the notice of lien, particularly identifying the property, the interest subject to the lien, and the amount of such lien, is recorded in the county where the property is located. Upon such recordation, the lien shall have the same force, effect, and priority as if it had been a judgment lien imposed upon real property which was not exempt from execution, except that it shall attach only to the property impounded or seized by the department.

(b) The department may at any time release all or any portion of the property subject to a lien imposed pursuant to subdivision (a) from the lien or subordinate such lien to other liens and encumbrances if it determines that the amount owed is sufficiently secured by a lien on other property or that the release or subordination of such lien will not jeopardize the collection of such amount owed. A certificate by the department to the effect that any property has been released from such lien or that such lien has been subordinated to other liens and encumbrances shall be conclusive evidence that the property

has been released or that the lien has been subordinated as provided in such certificate.

SEC. 6. Section 4179 of the Public Resources Code is amended to read:

4179. Notice of the lien, particularly identifying the property on which the nuisance was abated and the amount of such lien, shall be recorded by the State Forester in the office of the county recorder of the county in which the property is situated within one year after the first item of expenditures by the State Forester or within 90 days after the completion of the work, whichever first occurs. Upon such recordation of the notice of lien, the lien shall have the same force, effect, and priority as a judgment lien, except that it shall attach only against the property on which such nuisance was abated.

SEC. 7. Section 4179.5 is added to the Public Resources Code, to read:

4179.5. The Attorney General may at any time release all or any portion of the property subject to a lien imposed pursuant to Sections 4178 and 4179 from the lien or subordinate such a lien to other liens and encumbrances if he determines that the amount owed is sufficiently secured by a lien on other property or that the release or subordination of such lien will not jeopardize the collection of such amount owed. A certificate by the Attorney General to the effect that any property has been released from such lien or that such lien has been subordinated to other liens and encumbrances shall be conclusive evidence that the property has been released or that the lien has been subordinated as provided in such certificate.

SEC. 8. Section 13305 of the Water Code is amended to read:

13305. (a) Upon determining that a condition of pollution or nuisance exists which has resulted from a nonoperating industrial or business location within its region, a regional board may cause notice of such condition to be posted upon the property in question. The notice shall state that such condition constitutes either a condition of pollution or nuisance which must be abated by correction of such condition, otherwise it will be corrected by the city, county, other public agency, or regional board at the property owner's expense. Such notice shall further state that all property owners having any objections to the proposed correction of such condition may attend a hearing to be held by the board at a time not less than 10 days from the posting of the notice.

(b) Notice of the hearing prescribed in this section shall be given in the county where the property is located pursuant to Section 6061 of the Government Code.

(c) In addition to posting and publication, notice as required in this section shall be mailed to the property owners as their names and addresses appear from the last equalized assessment roll.

(d) At the time stated in the notices, the board shall hear and consider all objections or protests, if any, to the proposed

correction of the condition, and may continue the hearing from time to time.

(e) After final action is taken by the board on the disposition of any protests or objections, or in case no protests or objections are received, the board shall request the city, county, or other public agency in which the conditions of pollution or the nuisance exists to abate it. In the event that such city, county, or other public agency does not abate such condition within a reasonable time the board shall cause the condition to be abated. It may proceed by force account, contract or other agreement or any other method deemed most expedient by the board, and shall apply to the state board for the necessary funds.

(f) The owner of the property on which the condition exists, or is created, is liable for all reasonable costs incurred by the board or any city, county, or public agency in abating the condition. The amount of the cost for abating the condition upon the property in question shall constitute a lien upon the property so posted upon the recordation of a notice of lien, particularly describing the property on which the condition was abated and the amount of such lien, in the office of the county recorder of the county in which the property is located. Upon such recordation, the lien shall have the same force, effect, and priority as if it had been a judgment lien imposed upon real property which was not exempt from execution, except that it shall attach only to the property so posted and described in such notice of lien. Such lien may be foreclosed by an action brought by the city, county, other public agency, or state board, on behalf of the regional board, for a money judgment. Money recovered by a judgment in favor of the state board shall be returned to the State Water Pollution Cleanup and Abatement Account.

(g) The city, county, other public agency, or state board on behalf of a regional board, may at any time release all or any portion of the property subject to a lien imposed pursuant to subdivision (f) from the lien or subordinate such lien to other liens and encumbrances if it determines that the amount owed is sufficiently secured by a lien on other property or that the release or subordination of such lien will not jeopardize the collection of such amount owed. A certificate by such board, city, county, or other public agency to the effect that any property has been released from such lien or that such lien has been subordinated to other liens and encumbrances shall be conclusive evidence that the property has been released or that the lien has been subordinated as provided in such certificate.

(h) As used in this section, the words "nonoperating" or "not in operation" means the business is not conducting routine operations usually associated with that kind of business.

CHAPTER 1463

An act to amend Section 33670 of the Health and Safety Code, relating to community redevelopment.

[Approved by Governor September 19, 1970. Filed with Secretary of State September 19, 1970.]

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

SECTION 1. Section 33670 of the Health and Safety Code is amended to read:

33670. Any redevelopment plan may contain a provision that taxes, if any, levied upon taxable property in a redevelopment project each year by or for the benefit of the State of California, any city, county, city and county, district, or other public corporation (hereinafter sometimes called "taxing agencies") after the effective date of the ordinance approving the redevelopment plan, shall be divided as follows:

(a) That portion of the taxes which would be produced by the rate upon which the tax is levied each year by or for each of the taxing agencies upon the total sum of the assessed value of the taxable property in the redevelopment project as shown upon the assessment roll used in connection with the taxation of such property by such taxing agency, last equalized prior to the effective date of such ordinance, shall be allocated to and when collected shall be paid into the funds of the respective taxing agencies as taxes by or for said taxing agencies on all other property are paid (for the purpose of allocating taxes levied by or for any taxing agency or agencies which did not include the territory in a redevelopment project on the effective date of such ordinance but to which such territory has been annexed or otherwise included after such effective date, the assessment roll of the county last equalized on the effective date of the ordinance shall be used in determining the assessed valuation of the taxable property in the project on the effective date); and

(b) That portion of the levied taxes each year in excess of such amount shall be allocated to and when collected shall be paid into a special fund of the redevelopment agency to pay the principal of and interest on loans, moneys advanced to, or indebtedness (whether funded, refunded, assumed, or otherwise) incurred by such redevelopment agency to finance or refinance, in whole or in part, such redevelopment project. Unless and until the total assessed valuation of the taxable property in a redevelopment project exceeds the total assessed value of the taxable property in such project as shown by the last equalized assessment roll referred to in subdivision (a), all of the taxes levied and collected upon the taxable property in such redevelopment project shall be paid into the funds of the respective taxing agencies. When such loans, advances, and indebtedness, if any, and interest thereon, have been paid, all moneys thereafter received from taxes upon the taxable prop-

erty in such redevelopment project shall be paid into the funds of the respective taxing agencies as taxes on all other property are paid.

(c) In any redevelopment project in which taxes have been divided pursuant to this section prior to 1968, located within any county with total assessed valuation subject to general property taxes for the fiscal year 1967–1968 between two billion dollars ($2,000,000,000) and two billion one hundred million dollars ($2,100,000,000), if the total assessed valuation of taxable property within the redevelopment project for the fiscal year 1967–1968 was reduced, the total sum of the assessed value of taxable property used as the basis for apportionment of taxes under subdivision (a) shall be reduced by 10 percent for the fiscal year 1968–1969 and fiscal years thereafter.

CHAPTER 1464

An act to add Section 13301.1 to the Water Code, and to amend Section 5460 of the Health and Safety Code, relating to water pollution.

[Approved by Governor September 19, 1970. Filed with Secretary of State September 19, 1970.]

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

SECTION 1. Section 13301.1 is added to the Water Code, to read:

13301.1. The regional board shall render to persons against whom a cease and desist order is issued pursuant to Section 13301 all possible assistance in making available current information on successful and economical water quality control programs, as such information is developed by the state board pursuant to Section 13167, and information and assistance in applying for federal and state funds necessary to comply with the cease and desist order.

SEC. 1.5. It is the intention of the Legislature that additions to the staffs of the State Water Resources Control Board and the California regional water quality control boards, as authorized each year by the Budget Act, be made with consideration given to the increasing need of personnel with special competence in environmental sciences, economics, and recreation, fish and wildlife.

SEC. 2. Section 5460 of the Health and Safety Code is amended to read:

5460. The state department or local health officer may issue a peremptory order requiring the abatement of a contamination, and shall immediately furnish to the proper regional board a report of information and data relating thereto.

Coincident with issuing such order, or if any order or regulation is not complied with, the director or local health officer may bring and prosecute an action for an injunction in the

superior court of the county in which the contamination occurs.

The state department or local health officer shall render to persons subject to such order all possible assistance in complying with the order, including all possible assistance in securing any necessary funds for such purpose.

CHAPTER 1465

An act to amend Sections 34283 and 34327.6 of the Health and and Safety Code, relating to housing authorities.

[Approved by Governor September 19, 1970 Filed with Secretary of State September 19, 1970]

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

SECTION 1. Section 34283 of the Health and Safety Code is amended to read:

34283. The commissioners shall provide by resolution for the time and place of holding their regular meetings. Special meetings may be called by the chairman or by two commissioners, and notice thereof shall be mailed to each commissioner at least 48 hours before the meeting. An authority shall supply to the governing body of its respective city or county, on request, such information relating to its activities as are public records. Leases and lists or rosters of tenants of the authority shall be confidential and shall not be open to inspection by the public, but shall be supplied to the respective governing body on request, pursuant to this section.

Leases and lists or rosters of tenants shall be open for inspection by any government agency.

SEC. 2. Section 34327.6 of the Health and Safety Code is amended to read:

34327.6. All funds of housing authorities not subject to audit by a federal agency shall be audited at least once each year at the expense of the housing authority by the State Department of Finance or, at the option of the housing authority, by a certified public accountant or public accountant, licensed by the State Board of Accountancy, and approved by the Director of Finance. If the audit is made by a certified public accountant, or a public accountant, a copy of the audit report shall be filed for record purposes with the Department of Finance. The authority shall prepare and file with the Department of Finance a budget for the year in which the audit is taken with each audit prepared or submitted pursuant to this section.

CHAPTER 1466

An act relating to financial assistance to target school districts.

[Approved by Governor September 19, 1970 Filed with Secretary of State September 19, 1970.]

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

SECTION 1. The Legislature hereby finds and declares that distinct and identifiable financing problems adversely affect target school districts in California, forcing property taxpayers in those districts to pay total property taxes for all purposes which are higher than property taxes for the same purposes and services elsewhere in the state.

SEC. 2. As used in this act, target school problems may include, but are not limited to:

(a) The excess cost of fire and comprehensive liability and theft insurance.

(b) The excess cost of the salaries of security guards and related law enforcement personnel.

(c) The excess costs of administration due directly to high levels of pupil transiency.

(d) The excess costs of providing additional institutional personnel, including teacher aides for compensatory education and bilingual teachers for pupils for whom instruction is not otherwise funded under the Elementary and Secondary Education Act of 1965.

(e) The excess costs of child welfare and attendance workers occasioned by high rates of pupil absenteeism and truancy.

(f) The excess costs of employees in children's centers operated by the district for which other state appropriations and parent charges are insufficient.

SEC. 3. As used in this act:

(a) "Target school district" means a school district having one or more target schools where the achievement scores in reading are substantially below the district and state averages, or with substantial problems of higher-than-average unemployment, higher-than-average rates of welfare dependency, and similar factors.

(b) "Excess costs of target school programs" means those costs which exceed the statewide average costs of nontarget school programs conducted among California school districts.

SEC. 4. The office of the Legislative Analyst shall undertake a comprehensive study of the excess costs of target school districts, meeting the criteria of this act, to identify the individual educational programs and expenditures which result in excess costs to target school districts, including an estimate of the statewide total costs of all such school districts. The office of the Legislative Analyst shall report its findings and recommendations to the Legislature on or before the fifth calendar day of the 1971 legislative session.

CHAPTER 1467

An act to amend Sections 7514, 7521, 7522, 7523, 7526.4, 7528, 7529, 7534, 7536, 7538, 7538.1, 7560, 7565, 7566, 7567, 7568, 7569, and 7580 of, to amend and renumber Section 7514 of, to add Section 7543 to, and to repeal Sections 7543 and 7553 of, the Business and Professions Code, relating to private investigators and adjusters.

[Approved by Governor September 19, 1970. Filed with Secretary of State September 19, 1970.]

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

SECTION 1. Section 7514 of the Business and Professions Code is amended to read:

7514. The director may adopt and enforce reasonable rules:

(a) Classifying licensees according to the type of business regulated by this chapter in which they are engaged, including but not limited to private investigators, private patrol operators, insurance adjusters, and repossessors, and limiting the field and scope of the operations of a licensee to those in which he is classified and qualified to engage.

(b) Fixing the qualifications of licensees and managers, in addition to those prescribed in this chapter, necessary to promote and protect the public welfare.

(c) Carrying out generally the provisions of this chapter, including regulation of the conduct of licensees.

(d) For a change in the classification of a licensee, or in the type of business organization upon application therefor by a licensee, and to prescribe the fee, if any, to be paid.

(e) Establishing the qualifications which a uniformed employee of a licensee who operates a private patrol must meet as a condition of becoming eligible to carry firearms pursuant to Section 12031.5 of the Penal Code.

SEC. 2. Section 7521 of the Business and Professions Code is amended to read:

7521. (a) A private investigator within the meaning of this chapter is a person other than an insurance adjuster who, for any consideration whatsoever engages in business or accepts employment to furnish, or agrees to make, or makes, any investigation for the purpose of obtaining, information with reference to:

Crime or wrongs done or threatened against the United States of America or any state or territory of the United States of America; the identity, habits, conduct, business, occupation, honesty, integrity, credibility, knowledge, trustworthiness, efficiency, loyalty, activity, movement, whereabouts, affiliations, associations, transactions, acts, reputation, or character of any person; the location, disposition, or recovery of lost or stolen property; the cause or responsibility for fires, libels, losses, accidents, or damage or injury to persons or to

property; or securing evidence to be used before any court, board, officer, or investigating committee.

(b) A private patrol operator, or operator of a private patrol service, within the meaning of this chapter is a person who, for any consideration whatsoever:

Agrees to furnish, or furnishes, a watchman, guard, patrolman, or other person to protect persons or property or to prevent the theft, unlawful taking, loss, embezzlement, misappropriation, or concealment of any goods, wares, merchandise, money, bonds, stocks, notes, documents, papers, or property of any kind; or performs the service of such watchman, guard, patrolman, or other person, for any of said purposes.

(c) A person licensed as a private patrol operator only may not make any investigation or investigations except those that are incidental to the theft, loss, embezzlement, misappropriation, or concealment of any property, or any other thing enumerated in this section, which he has been hired or engaged to protect, guard, or watch.

(d) An insurance adjuster within the meaning of this chapter is a person other than a private investigator who, for any consideration whatsoever, engages in any of the activities enumerated in subdivision (a) in the course of adjusting or otherwise participating in the disposal of, any claim under or in connection with a policy of insurance or engages in soliciting insurance adjustment business.

(e) A repossessor within the meaning of this chapter is a person who, for any consideration whatsoever, engages in business or accepts employment to locate or recover personal property, including but not limited to personal property registered under the provisions of the Vehicle Code, which has been sold under a conditional sales agreement or which is subject to a chattel mortgage. A licensee under this chapter shall not engage in business or accept employment to collect claims owed or due or asserted to be owed or due to another unless the licensee has complied with the provisions of Chapter 8 (commencing with Section 6850) of Division 3 in addition to complying with the provisions of this chapter, except that a repossessor licensed under this chapter may make a written demand for payment in lieu of repossession if the demand is made pursuant to an assignment for repossession and if under the terms of the assignment the fee or remuneration due to the repossessor is not based on a percentage of the amount collected.

SEC. 3. Section 7522 of the Business and Professions Code is amended to read:

7522. This chapter does not apply to:

(a) A person employed exclusively and regularly by one employer in connection with the affairs of such employer only and where there exists an employer-employee relationship.

(b) An officer or employee of the United States of America, or of this state or a political subdivision thereof, while such officer or employee is engaged in the performance of his official

duties; including a peace officer in part-time private patrol employment, provided such part-time employment does not exceed 50 hours in any calendar month.

(c) A person engaged exclusively in the business of obtaining and furnishing information as to the financial rating of persons.

(d) A charitable philanthropic society or association duly incorporated under the laws of this state which is organized and maintained for the public good and not for private profit.

(e) Patrol special police officers appointed by the police commission of any city, county, or city and county under the express terms of its charter who also under the express terms of the charter (1) are subject to suspension or dismissal after a hearing on charges duly filed with the commission after a fair and impartial trial, (2) must be not less than 21 years of age nor more than 40 years of age, (3) must possess physical qualifications prescribed by the commission, and (4) are designated by the police commission as the owners of a certain beat or territory as may be fixed from time to time by the police commission.

(f) An attorney at law in performing his duties as such attorney at law.

(g) A licensed collection agency or an employee thereof while acting within the scope of his employment, while making an investigation incidental to the business of the agency, including an investigation of the location of a debtor or his property where the contract with an assignor creditor is for the collection of claims owed or due or asserted to be owed or due or the equivalent thereof.

(h) Admitted insurers and agents and insurance brokers licensed by the state, performing duties in connection with insurance transacted by them.

(i) The legal owner of personal property which has been sold under a conditional sales agreement or a mortgagee under the terms of a chattel mortgage.

(j) Any bank subject to the jurisdiction of the Superintendent of Banks of the State of California or the Comptroller of Currency of the United States.

(k) A person engaged solely in the business of securing information about persons or property from public records.

SEC. 4. Section 7523 of the Business and Professions Code is amended to read:

7523. The provisions of this chapter shall not prevent the local authorities of any city, county, or city and county, by ordinance and within the exercise of the police power of such city, county, or city and county from imposing local regulations upon any private patrol operator, as defined in this chapter, or his employees, requiring registration with an agency to be designated by the city, county, or city and county, including in such registration full information as to the identification and employment and subject to the right of the city, county, or city and county to allocate certain portions of the territory

in such city, county, or city and county within which the activities of any such person shall be confined. Any city, county, or city and county may refuse such registration to any person of bad moral character and may impose such reasonable additional requirements as are necessary to meet local needs and are not inconsistent with the provisions of this chapter.

SEC. 5. Section 7526.4 of the Business and Professions Code is amended to read:

7526.4. An applicant for a license as a repossessor, or his manager, shall have had at least one year of experience in recovering personal property sold under a conditional sales agreement or under the terms of a chattel mortgage or the equivalent thereof as determined by the director.

SEC. 6. Section 7528 of the Business and Professions Code is amended to read:

7528. After a hearing the director may deny a license unless the applicant makes a showing satisfactory to the director that the applicant, if an individual, has not, or if the applicant is a person other than an individual, that its manager and each of its officers and partners have not:

(a) Committed any act, which, if committed by a licensee, would be a ground for the suspension or revocation of a license under this chapter.

(b) Committed any act constituting dishonesty or fraud.

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

(d) Been convicted of a felony or any crime involving moral turpitude or illegally using, carrying, or possessing a dangerous weapon.

(e) Been refused a license under this chapter or had a license revoked.

(f) Been an officer, partner, or manager of any person who has been refused a license under this chapter or whose license has been revoked.

(g) While unlicensed committed, or aided and abetted the commission of, any act for which a license is required by this chapter.

(h) Knowingly make any false statement in his application.

SEC. 7. Section 7529 of the Business and Professions Code is amended to read:

7529. (a) The business of each licensee shall be operated under the active direction, control, charge, or management, in this state, of the licensee, if he is himself qualified, or the person who has qualified to act as the licensee's manager, if the licensee is not qualified.

(b) No person shall act as a manager of a licensee until he has complied with each of the following:

(1) Demonstrated his qualifications by a written or oral examination, or a combination of both, if required by the director.

(2) Made a satisfactory showing to the director that he has the qualifications prescribed by Section 7526 and that none of the facts stated in Section 7528 exist as to him.

(c) If the manager, who has qualified as provided in this section, ceases for any reason whatsoever to be connected with the licensee to whom the license is issued, the licensee shall notify the director in writing 30 days from such cessation. If notice is given, the license shall remain in force for a reasonable length of time to be determined by the rules of the director pending the qualifications as provided in this chapter, of another manager. If the licensee fails to notify the director within the 30-day period, his license shall be subject to suspension or revocation and may be reinstated only upon the filing of an application for reinstatement, payment of the reinstatement fee, if any be due, and the qualification of a manager as provided herein.

SEC. 8. Section 7534 of the Business and Professions Code is amended to read:

7534. A licensee shall, within 30 days after such change, notify the bureau of any change of his address and of any change in its officers or partners. The principal place of business may be at a home or at a business address but it shall be the place at which the licensee maintains a permanent office.

Applications, on forms prescribed by the director, shall be submitted by all new officers or partners. The director may suspend or revoke a license issued under this chapter if he determines that at the time the person became an officer or partner of a licensee, any of the facts stated in Section 7528 existed as to such person.

SEC. 9. Section 7536 of the Business and Professions Code is amended to read:

7536. A licensee shall at all times be legally responsible for the good conduct in the business of each of his employees or agents, including his manager.

SEC. 10 Section 7538 of the Business and Professions Code is amended to read:

7538. (a) Any licensee or officer, director, partner, or manager of a licensee may divulge to any law enforcement officer or district attorney, or his representative, any information he may acquire as to any criminal offense, but he shall not divulge to any other person, except as he may be required by law so to do, any information acquired by him except at the direction of the employer or client for whom the information was obtained.

(b) No licensee or officer, director, partner, manager, or employee of a licensee shall knowingly make any false report to his employer or client for whom information was being obtained.

(c) No written report shall be submitted to a client except by the licensee, qualifying manager, or a person authorized by one or either of them, and such person submitting the re-

port shall exercise diligence in ascertaining whether or not the facts and information in such a report are true and correct.

(d) No licensee, or officer, director, partner, manager, or employee of private investigator, insurance adjuster, and repossessor licensees, shall use a badge in connection with the official activities of the licensee's business.

(e) No licensee, or officer, director, partner, manager, or employee of a licensee, shall use a title, or wear a uniform, or use an insignia, or use an identification card, or make any statement with the intent to give an impression that he is connected in any way with the federal government, a state government, or any political subdivision of a state government.

(f) No licensee, or officer, director, partner, manager, or employee of a repossessor licensee, shall use an alias in connection with the official activities of the licensee's business.

(g) No licensee, or officer, director, partner, manager, or employee of a licensee, shall enter any private building or portion thereof without the consent of the owner or of the person in legal possession thereof.

(h) No private patrol licensee, or officer, director, partner, manager, or employee of a private patrol licensee shall use a badge, except while engaged in guard or patrol work and while wearing a uniform.

(i) No licensee shall appear as an assignee party in any proceeding involving claim and delivery, replevin, or other possessory action, action to foreclose a chattel mortgage, mechanic's lien, materialman's lien, or any other lien.

(j) No licensee shall permit an employee or agent in his own name to advertise, engage clients, furnish reports or present bills to clients, or in any manner whatever conduct business for which a license is required under this chapter. All business of the licensee shall be conducted in the name of and under the control of the licensee.

SEC. 11. Section 7538.1 of the Business and Professions Code is amended to read:

7538.1. Persons licensed as repossessors shall be prohibited from:

(a) Recovering personal property, including personal property registered under the Vehicle Code, which has been sold under a conditional sales agreement or under the terms of a chattel mortgage before a signed or telegraphic authorization has been received from the legal owner of such personal property or from the mortgagee when such personal property is subject to the terms of a chattel mortgage.

(b) Soliciting from the legal owner the recovery of specific personal property registered under the Vehicle Code or under the motor vehicle licensing laws of other states after such property has been seen or located on a public street or on public or private property.

(c) Charging for expenses not actually incurred in connection with the recovery, transportation, and storage of personal property.

(d) Using personal property, which has been recovered, for the personal benefit of a licensee, or officer, director, partner, manager, or employee of a licensee.

(e) Selling personal property recovered under the provisions of this chapter, except with written authorization from the legal owner or the mortgagee thereof.

(f) Failing to make timely remittance of all money due customers. The licensee shall deposit all money received from the sale of personal property which has been repossessed in a trust account and such money shall be withdrawn only for remittances to customers and for the payment of amounts due the licensee.

SEC. 12. Section 7543 of the Business and Professions Code is repealed.

SEC. 13. Section 7543 is added to the Business and Professions Code, to read:

7543. A licensee shall not advertise or conduct business from any location other than that shown on the records of the bureau as his principal place of business unless he has received a branch office certificate for such location after compliance with the provisions of this chapter and such additional requirements necessary for the protection of the public as the director may by regulation prescribe. A licensee shall notify the bureau in writing within 10 days after closing or changing the location of a branch office.

SEC. 14. Section 7553 of the Business and Professions Code is repealed.

SEC. 15. Section 7560 of the Business and Professions Code is amended to read:

7560. Any person who knowingly falsifies the fingerprints or photographs submitted under subdivision (f) of Section 7525 is guilty of a felony. Any person who violates any of the other provisions of this chapter is guilty of a misdemeanor punishable by fine not to exceed five hundred dollars ($500) or by imprisonment in the county jail not to exceed one year, or by both such fine and imprisonment.

SEC. 16. Section 7565 of the Business and Professions Code is amended to read:

7565. Licenses, branch office certificates, and pocket cards issued under this chapter shall expire at 12 p.m. on May 31 of each even-numbered year if not, in each instance, renewed. To renew an unexpired license or certificate, the licensee shall, on or before the date on which it would otherwise expire, apply for renewal on a form prescribed by the director, and pay the renewal fee prescribed by this chapter. On renewal, such evidence of renewal of the license or certificate as the director may prescribe and renewal pocket cards for the persons mentioned in Section 7533 shall be issued to the licensee.

SEC. 17. Section 7566 of the Business and Professions Code is amended to read:

7566. Except as otherwise provided in this article, an expired license or branch office certificate may be renewed at any

time within five years after its expiration on filing of application for renewal on a form prescribed by the director, and payment of the renewal fee in effect on the last preceding regular renewal date. If the license or certificate is renewed more than 30 days after its expiration, the licensee, as a condition precedent to renewal, shall also pay the delinquency fee prescribed by this chapter. Renewal under this section shall be effective on the date on which the application is filed, on the date on which the renewal fee is paid, or on the date on which the delinquency fee, if any, is paid, whichever last occurs. If so renewed, the license or certificate shall continue in effect through the date provided in Section 7565 which next occurs after the effective date of the renewal, when it shall expire if it is not again renewed.

Renewal of a license or certificate shall not prohibit the bringing of disciplinary proceedings for an act committed before the effective date of the renewal.

SEC. 18. Section 7567 of the Business and Professions Code is amended to read:

7567. A suspended license or branch office certificate is subject to expiration and shall be renewed as provided in this article, but renewal of the license does not entitle the licensee, while the license remains suspended and until it is reinstated, to engage in the licensed activity, or in any other activity or conduct in violation of the order or judgment by which the license was suspended, and renewal of the branch office certificate does not entitle the licensee, while the certificate remains suspended, and until it is reinstated, to engage in the licensed activity at the location for which the certificate was issued, or to engage in any other activity or conduct in violation of the order or judgment by which the certificate was suspended.

SEC. 19. Section 7568 of the Business and Professions Code is amended to read:

7568. A revoked license or branch office certificate is subject to expiration as provided in this article, but it may not be renewed. If it is reinstated after its expiration, the licensee, as a condition precedent to its reinstatement, shall pay a reinstatement fee in an amount equal to the renewal fee in effect on the last regular renewal date before the date on which it is reinstated, plus the delinquency fee, if any, accrued at the time of its revocation.

SEC. 20. Section 7569 of the Business and Professions Code is amended to read:

7569. A license or branch office certificate which is not renewed within five years after its expiration may not be renewed, restored, reinstated, or reissued thereafter; and a license which expired before October 1, 1958, and was not reinstated before October 1, 1961, may not be renewed, restored, reinstated or reissued.

The holder of the license or certificate may obtain a new license or certificate only on compliance with all of the pro-

visions of this chapter relating to the issuance of an original license or certificate.

SEC. 21. Section 7580 of the Business and Professions Code is amended to read:

7580. The amount of fees prescribed by this chapter, unless otherwise fixed, is that fixed in the following schedule:

(a) The application fee for an original license in any classification is twenty-five dollars ($25).

(b) The application fee for an original branch office certificate is fifteen dollars ($15).

(c) The fee for an original license is an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the license is issued, except that, if the license will expire less than one year after its issuance, 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 license is issued. The director may, by appropriate regulation, provide for the waiver or refund of the initial license fee where the license is issued less than 45 days before the date on which it will expire.

(d) The renewal fee shall be fixed by the director as follows:

(1) For a license as an insurance adjuster, repossessor, private investigator, or private investigator and private patrol operator, not more than one hundred dollars ($100).

(2) For a license as a private patrol operator, not more than fifty dollars ($50).

(3) For a branch office certificate, not more than twenty dollars ($20).

(e) The application and license fee for classifications prescribed by the director, in addition to those provided for in this chapter, and the application and license fees for a change in the type of business organization of a licensee, shall be in the amount prescribed by rule and regulation of the director.

(f) The delinquency fee is an amount equal to 25 percent of the renewal fee in effect on the date of expiration.

(g) The fee for reexamination of an applicant or his manager is ten dollars ($10).

SEC. 22. Section 7514 of the Business and Professions Code is amended and renumbered to read:

7512. The director may adopt and enforce reasonable rules:

(a) Classifying licensees according to the type of business regulated by this chapter in which they are engaged, including but not limited to private investigators, private patrol operators, insurance adjusters, and repossessors, and limiting the field and scope of the operations of a licensee to those in which he is classified and qualified to engage.

(b) Fixing the qualifications of licensees and managers, in addition to those prescribed in this chapter, necessary to promote and protect the public welfare.

(c) Carrying out generally the provisions of this chapter, including regulation of the conduct of licensees.

(d) For a change in the classification of a licensee, or in the type of business organization upon application therefor by a licensee, and to prescribe the fee, if any, to be paid.

(e) Establishing the qualifications which a uniformed employee of a licensee who operates a private patrol must meet as a condition of becoming eligible to carry firearms pursuant to paragraph (7) of subdivision (b) of Section 12031 of the Penal Code.

SEC. 23. Section 7534 of the Business and Professions Code is amended to read:

7534. A licensee shall, within 30 days after such change, notify the division of any change of his address and of any change in its officers or partners. The principal place of business may be at a home or at a business address but it shall be the place at which the licensee maintains a permanent office.

Applications, on forms prescribed by the director, shall be submitted by all new officers or partners. The director may suspend or revoke a license issued under this chapter if he determines that at the time the person became an officer or partner of a licensee, any of the facts stated in Section 7528 existed as to such person.

SEC. 24. It is the intention of the Legislature, if amendments to Section 7514 of the Business and Professions Code proposed by both this bill and Senate Bill No. 330 are enacted, that both amendments be given effect and incorporated in Section 7514 in the form set forth in Section 22 of this act. Therefore, in the event Senate Bill No. 330 is enacted and amends Section 7514, Section 22 of this act shall become operative at the same time that Section 7514 as amended by Senate Bill No. 330 becomes operative, and at that time, Section 7514 of the Business and Professions Code as amended by Section 1 of this act is repealed.

SEC. 25. It is the intention of the Legislature, if amendments to Section 7534 of the Business and Professions Code proposed by both this bill and Senate Bill No. 330 are enacted, that both amendments be given effect and incorporated in Section 7534 in the form set forth in Section 23 of this act. Therefore, in the event Senate Bill No. 330 is enacted and amends Section 7514, Section 23 of this act shall become operative at the same time that Section 7534 as amended by Senate Bill No. 330 becomes operative, and at that time, Section 7534 of the Business and Professions Code as amended by Section 8 of this act is repealed.

CHAPTER 1468

An act to amend Sections 930, 977, and 978 of, and to add Section 979 to, the Unemployment Insurance Code, relating to unemployment insurance.

[Approved by Governor September 19, 1970. Filed with Secretary of State September 19, 1970.]

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

SECTION 1. Section 930 of the Unemployment Insurance Code is amended to read:

930. "Wages" does not include remuneration in excess of the following amounts paid to an individual by an employer during any calendar year, with respect to employment:

(a) Three thousand eight hundred dollars ($3,800) for a calendar year whenever the total revenues of the Unemployment Fund are equal to or exceed the total disbursements of the fund for the 12-month period ending on the computation date preceding January 1 of the calendar year.

(b) Four thousand one hundred dollars ($4,100) for a calendar year whenever the total disbursements of the Unemployment Fund exceed the total revenues of the fund for the 12-month period ending on the computation date preceding January 1 of the calendar year.

(c) For the purpose of this section, the total revenues shall be subject to the exclusion of the amounts provided by Section 980, and the total disbursements shall be subject to the exclusion of the amounts provided by Section 980.5.

(d) The director shall compute the limitation on taxable wages according to this section and shall file his computation with the Secretary of State on or before December 31st of the calendar year preceding the calendar year in which the limitation shall be applied. This computation shall include a summary of the data upon which it was based and the sources from which those data were obtained. Prior to the expiration of the calendar year in which the limitation on taxable wages shall be applied the director shall make such revisions of this computation as may be necessary, and in the event that the limitation on taxable wages as previously filed is thereby altered, he shall promptly file a corrected computation of the limitation in the manner provided by this subdivision. The director's action under this section shall not constitute an authorized regulation.

SEC. 2. Section 977 of the Unemployment Insurance Code is amended to read:

977. Whenever the balance in the Unemployment Fund on December 31st of any calendar year is less than 5 percent of the wages in employment subject to this part paid during the 12-month period ending upon the computation date immediately preceding such December 31st, for which an official tabulation has been completed by the department on or before such December 31st, employers shall pay into the Unemployment Fund contributions for the succeeding calendar year upon all wages with respect to employment at the following rates.

If, as of the computation date, the employer's net balance of reserve equals or exceeds that percentage of his average base payroll which appears on any line in column 1 of the following table, but is less than that percentage of his average base pay-

roll which appears on the same line in column 2 of that table, his contribution rate shall be the figure appearing on that same line in column 3 of that table.

Line	Reserve balance Column 1	Column 2	Contribution rate Column 3
1	0.0%	4.0%	2.7%
2	4.0%	6.0%	2.6%
3	6.0%	7.0%	2.5%
4	7.0%	8.0%	2.2%
5	8.0%	9.0%	2.1%
6	9.0%	10.0%	2.0%
7	10.0%	11.0%	1.9%
8	11.0%	12.0%	1.7%
9	12.0%	13.0%	1.5%
10	13.0%	14.0%	1.3%
11	14.0%	15.0%	1.1%
12	15.0%	16.0%	1.0%
13	16.0%	17.0%	0.9%
14	17.0% or more		0.8%

SEC. 3. Section 978 of the Unemployment Insurance Code is amended to read:

978. Whenever the balance in the Unemployment Fund on December 31st of any calendar year equals or exceeds 5 percent of the wages in employment subject to this part paid during the 12-month period ending upon the computation date immediately preceding such December 31st, for which an official tabulation has been completed by the department on or before such December 31st, employers shall pay into the Unemployment Fund contributions for the succeeding calendar year upon all wages with respect to employment at the following rates.

If, as of the computation date, the employer's net balance of reserve equals or exceeds that percentage of his average base payroll which appears on any line in column 1 of the following table, but is less than that percentage of his average base payroll which appears on the same line in column 2 of that table, his contribution rate shall be the figure appearing on that same line in column 3 of that table.

Line	Reserve balance Column 1	Column 2	Contribution rate Column 3
1	0%	1.0%	2.7%
2	1.0%	2.0%	2.6%
3	2.0%	3.0%	2.5%
4	3.0%	4.0%	2.4%
5	4.0%	5.0%	2.3%
6	5.0%	6.0%	2.2%
7	6.0%	7.0%	2.1%
8	7.0%	8.0%	2.0%
9	8.0%	9.0%	1.8%

Line	Reserve balance Column 1	Column 2	Contribution rate Column 3
10	9.0%	10.0%	1.6%
11	10.0%	11.0%	1.4%
12	11.0%	12.0%	1.2%
13	12.0%	13.0%	1.0%
14	13.0%	14.0%	0.8%
15	14.0%	15.0%	0.6%
16	15.0%	16.0%	0.4%
17	16.0%	17.0%	0.2%
18	17.0%	100% or more	0.0

SEC. 4. Section 979 is added to the Unemployment Insurance Code, to read:

979. On or before January 31st of each calendar year the director shall file with the Secretary of State a statement declaring which of the employer tax schedules contained in Sections 977 and 978 shall be in effect for that calendar year. The statement shall include the official tabulation of wages in subject employment made by the department according to Sections 977 and 978, a summary of the data upon which that tabulation was based, and the sources from which those data were obtained, and shall further include a summary of the data upon which the computation of the balance in the Unemployment Fund was based, and their source. Prior to the expiration of the calendar year in which the employer tax schedule shall be in effect the director shall make such revisions of the tabulation of wages and the computation of the balance in the Unemployment Fund as may be necessary, and in the event that the employer tax schedule as previously declared in effect is thereby altered, he shall promptly file a corrected statement of the employer tax schedule in effect for the calendar year, together with the corrected tabulation of wages and computation of the balance in the Unemployment Fund, in the manner provided by this section. The director's action under Sections 977, 978 and this section shall not constitute an authorized regulation.

CHAPTER 1469

An act to amend Sections 2512 and 21714 of the Vehicle Code, relating to ambulances.

[Approved by Governor September 19, 1970. Filed with Secretary of State September 19, 1970.]

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

SECTION 1. Section 2512 of the Vehicle Code is amended to read:

2512. (a) The commissioner, after consultation with, and pursuant to the recommendations of, the State Department of Public Health and the Department of Motor Vehicles, shall

adopt and enforce such reasonable regulations as he determines are necessary for the public health and safety regarding the operation, equipment, and certification of drivers of all ambulances used for emergency services. The commissioner shall exempt, upon request of the county board of supervisors that such exemption is necessary for public health and safety, noncommercial ambulances operated within the county from such regulations adopted under this section as are specified in the board of supervisors' request. The State Department of Public Health shall be notified by the county boards of supervisors of any such exemptions. The commissioner may, with the consent of the Director of Motor Vehicles, authorize the director to administer any regulations adopted pursuant to this section which relate to the issuance, suspension, or revocation of ambulance drivers' certificates and, in such administration, to exercise the powers granted to the commissioner by this section.

(b) This section shall not preclude the adoption of more restrictive regulations by local authorities, but it is the intent of the Legislature that regulations adopted by the commissioner pursuant to this section shall be the minimum necessary to protect public health and safety, and shall not be so restrictive as to preclude compliance by ambulances operated in sparsely populated areas. The provisions of this subdivision shall not relieve the owner or driver of any ambulance from compliance with Section 21055.

SEC. 2. Section 21714 of the Vehicle Code is amended to read:

21714. No owner of a publicly or privately owned ambulance shall permit the operation of such ambulance in emergency service unless the attendant on duty therein or, if there is no attendant on duty therein, the operator possesses an advanced American Red Cross first aid certificate or an equivalent first aid certificate issued by the United States Bureau of Mines. The commissioner may issue rules and regulations to implement this section.

This section shall not be applicable in any state of emergency when it is necessary to fully utilize all available ambulances in an area and it is not possible to have each ambulance operated or attended by persons with the qualifications required by this section.

CHAPTER 1470

An act to amend Sections 42701 and 42941 of, the heading of Article 3 (commencing with Section 42701) of Chapter 2 of Division 17 of, and Section 42711 of, to add Sections 42682 and 42683 to, and Article 2.5 (commencing with Section 42685) and Article 3.5 (commencing with Section 42721) to Chapter 2 of Division 17 of, and to repeal Article 1 (commencing with Section 43451), Article 3 (commencing with Section 43511), Article 4 (commencing with Section

43561), Article 5 (commencing with Section 43591), Article 6 (commencing with Section 43641), and Article 7 (commencing with Section 43671) of Chapter 4 of Division 17 of, and Sections 43831, 43833, 43837, 43841 and Article 7 (commencing with Section 43951), Article 9 (commencing with Section 43991), and Article 11 (commencing with Section 44031) of Chapter 5 of Division 17 of, Article 3 (commencing with Section 44361) and Article 4 (commencing with Section 44391) of Chapter 6 of Division 17 of, Article 2 (commencing with Section 44531), Article 3 (commencing with Section 44561), and Article 4 (commencing with Section 44581) of Chapter 7 of Division 17 of, Article 2 (commencing with Section 44731), Article 3 (commencing with Section 44761), Article 4 (commencing with Section 44791), Article 5 (commencing with Section 44811), and Article 6 (commencing with Section 44841) of Chapter 8 of Division 17 of, Article 2 (commencing with Section 44971) of Chapter 9 of Division 17 of, Article 2 (commencing with Section 45151) of Chapter 10 of Division 17 of, Article 2 (commencing with Section 45331) of Chapter 11 of Division 17 of, Article 2 (commencing with Section 45481) of Chapter 12 of Division 17 of, Article 2 (commencing with Section 45631), Article 3 (commencing with Section 45661), and Article 4 (commencing with Section 45691) of Chapter 13 of Division 17 of, Article 4 (commencing with Section 45891), Article 5 (commencing with Section 45911) and Article 6 (commencing with Section 45941) of Chapter 14 of Division 17 of, Article 2 (commencing with Section 46081) and Article 3 (commencing with Section 46101) of Chapter 15 of Division 17 of, Article 3 (commencing with Section 46301), Article 4 (commencing with Section 46321), and Article 5 (commencing with Section 46351) of Chapter 16 of Division 17 of, Article 4 (commencing with Section 46571) and Article 5 (commencing with Section 46601) of Chapter 17 of Division 17 of, Article 1 (commencing with Section 46801), Article 10 (commencing with Section 47031), Article 11 (commencing with Section 47069), Article 12 (commencing with Section 47091), and Article 13 (commencing with Section 47121) of Chapter 18 of Division 17 of, Article 3 (commencing with Section 47451) of Chapter 20 of Division 17 of, Article 8 (commencing with Section 47821) and Article 9 (commencing with Section 47851) of Chapter 21 of Division 17 of, Article 2 (commencing with Section 48031), Article 3 (commencing with Section 48051) and Article 4 (commencing with Section 48081) of Chapter 22 of Division 17 of, Article 2 (commencing with Section 48211) and Article 3 (commencing with Section 48231) of Chapter 23 of Division 17 of, Article 2 (commencing with Section 48411) and Article 3 (commencing with Section 48441) of Chapter 24 of Division 17 of, Article 2 (commencing with Section 48581) of Chapter 25 of Division 17 of, Article 3 (commencing with Section 48791) and Article 4

(commencing with Section 48821) of Chapter 26 of Division 17 of, Article 4 (commencing with Section 49041) and Article 5 (commencing with Section 49061) of Chapter 27 of Division 17 of, Article 2 (commencing with Section 49451) of Chapter 29 of Division 17 of, Article 3 (commencing with Section 49601) and Article 4 (commencing with Section 49641) of Chapter 30 of Division 17 of, Article 2 (commencing with Section 49801) of Chapter 31 of Division 17 of, Section 50010, Article 2 (commencing with Section 50231) of Chapter 33 of Division 17 of, Article 3 (commencing with Section 50411), Article 4 (commencing with Section 50431), and Article 5 (commencing with Section 50451) of Chapter 34 of Division 17 of, Article 2 (commencing with Section 50631), Article 3 (commencing with Section 50651), Article 4 (commencing with Section 50681) of Chapter 35 of Division 17 of, Article 3 (commencing with Section 50861) and Article 4 (commencing with Section 50891) of Chapter 36 of Division 17 of, the Agricultural Code, relating to agricultural containers.

[Approved by Governor September 19, 1970 Filed with Secretary of State September 19, 1970]

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

SECTION 1. Section 42682 is added to the Agricultural Code, to read:

42682. The director may, upon a petition of a person that the director finds has a substantial interest in the growing or handling of the particular fruit, nut or vegetable involved, establish, modify or rescind by regulation standard container, lid, marking, sizing requirement for commodities, and packing arrangement for any fruits, nuts or vegetables, for which specific quality standards have otherwise been provided by law, which regulations shall initially take effect January 1, 1971.

The director shall not by regulation adopt any new container or packing requirement which has not been used as an experimental pack or container, authorized by Article 4 (commencing with Section 42731) of Chapter 2, and Article 2 (commencing with Section 43481) of Chapter 4, of Division 17.

The director shall, upon the petition of 10 persons that he finds have a substantial interest in the growing or handling of the particular fruit, nut or vegetable involved, hold a hearing to establish if the requested standard container, lid, marking, sizing requirement for commodities, or packing arrangement for any fruit, nut or vegetable for which specific quality standards have otherwise been provided should be adopted by regulation.

All regulations shall be adopted in accordance with Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 2. Section 42683 is added to the Agricultural Code, to read:

42683. It is the intention of the Legislature that the director, in promulgating regulations concerning standard containers, lids, marking, sizing, consumer packages or packing requirements for fruits, nuts, and vegetables, will consider such factors as the ease of handling, identification, federal laws, rules or regulations, containers, lids and packs in substantial use in the industry and the competitive position of the California fruit, nut, and vegetable industry.

SEC. 3. Article 2.5 (commencing with Section 42685) is added to Chapter 2 of Division 17 of the Agricultural Code, to read:

Article 2.5. Emergency Regulations for Containers

42685. The director may, upon a petition of a person that the director finds has a substantial interest in the growing or handling of the particular fruit, nut or vegetable involved, by emergency regulation establish standard containers, lids, marking, sizing, consumer packages, or packing requirements for fruits, nuts and vegetables for which specific quality standards have otherwise been provided by law, or regulation, if he makes any of the following findings regarding the provisions of this division or the regulations promulgated thereunder which relate to standard containers, marking or packing requirements:

(a) It is difficult or impossible of performance by reason of laws or orders which are promulgated by authority of the government of the United States.

(b) It is difficult or impossible of performance because of a scarcity of materials, labor, or equipment that is used in the production or marketing of any commodity which is regulated by this division.

(c) It results in serious waste of useful produce otherwise available for human consumption or in serious waste of other resources.

(d) It prevents utilization of new technological developments to the serious disadvantage of producers in this state.

42686. Emergency regulations shall not be construed to modify in any respect any provision of this division which is designed to prevent deception or mislabeling, or which is designed to prevent the marketing of produce which is unwholesome or which would fail to give consumer satisfaction.

42687. A hearing upon the emergency regulation shall be held not less than 10 nor more than 30 days from the date of publication of notice and shall be held for the purpose of determining whether the emergency regulation shall continue in effect for a 120-day period.

42688. Notice of hearing shall be mailed not less than 10 days prior to the date of the hearing to all persons that have filed with the director a request for notice of such hearings.

42689. If, at the hearing, it is developed by competent testimony that additional time will be required to produce further essential evidence, the director shall continue the hear-

ing to a date which will allow sufficient time for the production of such evidence.

42690. At the hearing, interested parties shall be heard or written testimony taken and a record kept of the proceedings for determination by the director of the facts which are shown at the hearing.

42691. The director, upon his findings on the facts which are shown at the hearing, may rescind or modify the emergency regulation as published.

42692. The emergency regulation as adopted or modified shall continue in effect until suspended or rescinded by the director or for a period not to exceed 120 days as provided in Section 42687, whichever occurs first.

42693. Any fruit, nuts or vegetables packed under an emergency regulation prior to the time of suspension or revocation thereof may be shipped or sold notwithstanding the fact that the emergency regulation is no longer in effect.

SEC. 4. The heading of Article 3 (commencing with Section 42701) of Chapter 2 of Division 17 of the Agricultural Code is amended to read:

Article 3. Emergency Standards for Quality

SEC. 5. Section 42701 of the Agricultural Code is amended to read:

42701. The director may, upon petition of persons that are interested in the growing or handling of fruits, nuts, or vegetables, or upon his own motion, establish emergency standards for the quality of any commodity if he makes any of the following findings regarding any provision of this division which relates to the quality standards for such commodity:

(a) It is difficult or impossible of performance by reason of laws or orders which are promulgated by authority of the government of the United States.

(b) It is difficult or impossible of performance because of a scarcity of materials, labor, or equipment that is used in the production or marketing of any commodity which is regulated by this division.

(c) It results in serious waste of useful produce otherwise available for human consumption or in serious waste of other resources.

(d) It prevents utilization of new technological developments, to the serious disadvantage of producers in this state.

SEC. 6. Article 3.5 (commencing with Section 42721) is added to Chapter 2 of Division 17 of the Agricultural Code, to read:

Article 3.5. Appeals

42721. Any person authorized by Article 2.5 (commencing with Section 42685) or Article 3 (commencing with Section 42701) of this chapter to petition for the issuance of a regulation authorized under such article, who files a petition within 30 days of the effective date of the regulation, may appeal to

the director for the rescission or modification of such regulation. The appeal shall be in the form of a petition which shall specify the change requested in the regulation and the reasons therefor.

42722. Upon the receipt of such petition the director may, and if the petition is signed by 10 or more authorized persons shall, within 10 days schedule the matter for public hearing pursuant to Sections 11423, 11424 and 11425 of the Government Code.

SEC. 7. Section 42711 of the Agricultural Code is amended to read:

42711. The emergency standards, as modified or affirmed, shall take effect on the day which is appointed for them to take effect, and shall continue in effect until suspended or rescinded by the director, or for 120 days, whichever first occurs.

SEC. 8. Section 42941 of the Agricultural Code is amended to read:

42941. It is unlawful for any person to prepare, pack, place, deliver for shipment, deliver for sale, load, ship, transport, cause to be transported, or sell any fruits, nuts, or vegetables in bulk, or in any container or subcontainer, unless such fruits, nuts, and vegetables, and their containers, conform to the provisions of this division or the regulations promulgated thereunder.

SEC. 9. Article 1 (commencing with Section 43451) of Chapter 4 of Division 17 of the Agricultural Code is repealed.

SEC. 10. Article 3 (commencing with Section 43511) of Chapter 4 of Division 17 of the Agricultural Code is repealed.

SEC. 11. Article 4 (commencing with Section 43561) of Chapter 4 of Division 17 of the Agricultural Code is repealed.

SEC. 12. Article 5 (commencing with Section 43591) of Chapter 4 of Division 17 of the Agricultural Code is repealed.

SEC. 13. Article 6 (commencing with Section 43641) of Chapter 4 of Division 17 of the Agricultural Code is repealed.

SEC. 14. Article 7 (commencing with Section 43671) of Chapter 4 of Division 17 of the Agricultural Code is repealed.

SEC. 15. Section 43831 of the Agricultural Code is repealed.

SEC. 16. Section 43833 of the Agricultural Code is repealed.

SEC. 17. Section 43837 of the Agricultural Code is repealed.

SEC. 18. Section 43841 of the Agricultural Code is repealed.

SEC. 19. Article 7 (commencing with Section 43951) of Chapter 5 of Division 17 of the Agricultural Code is repealed.

SEC. 20. Article 9 (commencing with Section 43991) of Chapter 5 of Division 17 of the Agricultural Code is repealed.

SEC. 21. Article 11 (commencing with Section 44031) of Chapter 5 of Division 17 of the Agricultural Code is repealed.

SEC. 22. Article 3 (commencing with Section 44361) of Chapter 6 of Division 17 of the Agricultural Code is repealed.

SEC. 23. Article 4 (commencing with Section 44391) of Chapter 6 of Division 17 of the Agricultural Code is repealed.

SEC. 24. Article 2 (commencing with Section 44531) of Chapter 7 of Division 17 of the Agricultural Code is repealed.

SEC. 25. Article 3 (commencing with Section 44561) of Chapter 7 of Division 17 of the Agricultural Code is repealed.

SEC. 26. Article 4 (commencing with Section 44581) of Chapter 7 of Division 17 of the Agricultural Code is repealed.

SEC. 27. Article 2 (commencing with Section 44731) of Chapter 8 of Division 17 of the Agricultural Code is repealed.

SEC. 28. Article 3 (commencing with Section 44761) of Chapter 8 of Division 17 of the Agricultural Code is repealed.

SEC. 29. Article 4 (commencing with Section 44791) of Chapter 8 of Division 17 of the Agricultural Code is repealed.

SEC. 30. Article 5 (commencing with Section 44811) of Chapter 8 of Division 17 of the Agricultural Code is repealed.

SEC. 31. Article 6 (commencing with Section 44841) of Chapter 8 of Division 17 of the Agricultural Code is repealed.

SEC. 32. Article 2 (commencing with Section 44971) of Chapter 9 of Division 17 of the Agricultural Code is repealed.

SEC. 33. Article 2 (commencing with Section 45151) of Chapter 10 of Division 17 of the Agricultural Code is repealed.

SEC. 34. Article 2 (commencing with Section 45331) of Chapter 11 of Division 17 of the Agricultural Code is repealed.

SEC. 35. Article 2 (commencing with Section 45481) of Chapter 12 of Division 17 of the Agricultural Code is repealed.

SEC. 36. Article 2 (commencing with Section 45631) of Chapter 13 of Division 17 of the Agricultural Code is repealed.

SEC. 37. Article 3 (commencing with Section 45661) of Chapter 13 of Division 17 of the Agricultural Code is repealed.

SEC. 38. Article 4 (commencing with Section 45691) of Chapter 13 of Division 17 of the Agricultural Code is repealed.

SEC. 39. Article 4 (commencing with Section 45891) of Chapter 14 of Division 17 of the Agricultural Code is repealed.

SEC. 40. Article 5 (commencing with Section 45911) of Chapter 14 of Division 17 of the Agricultural Code is repealed.

SEC. 41. Article 6 (commencing with Section 45941) of Chapter 14 of Division 17 of the Agricultural Code is repealed.

SEC. 42. Article 2 (commencing with Section 46081) of Chapter 15 of Division 17 of the Agricultural Code is repealed.

SEC. 43. Article 3 (commencing with Section 46101) of Chapter 15 of Division 17 of the Agricultural Code is repealed.

SEC. 44. Article 3 (commencing with Section 46301) of Chapter 16 of Division 17 of the Agricultural Code is repealed.

SEC. 45. Article 4 (commencing with Section 46321) of Chapter 16 of Division 17 of the Agricultural Code is repealed.

SEC. 46. Article 5 (commencing with Section 46351) of Chapter 16 of Division 17 of the Agricultural Code is repealed.

SEC. 47. Article 4 (commencing with Section 46571) of Chapter 17 of Division 17 of the Agricultural Code is repealed.

SEC. 48. Article 5 (commencing with Section 46601) of Chapter 17 of Division 17 of the Agricultural Code is repealed.

SEC. 49. Article 1 (commencing with Section 46801) of Chapter 18 of Division 17 of the Agricultural Code is repealed.

SEC. 50. Article 10 (commencing with Section 47031) of Chapter 18 of Division 17 of the Agricultural Code is repealed.

SEC. 51. Article 11 (commencing with Section 47069) of Chapter 18 of Division 17 of the Agricultural Code is repealed.

SEC. 52. Article 12 (commencing with Section 47091) of Chapter 18 of Division 17 of the Agricultural Code is repealed.

SEC. 53. Article 13 (commencing with Section 47121) of Chapter 18 of Division 17 of the Agricultural Code is repealed.

SEC. 54. Article 3 (commencing with Section 47451) of Chapter 20 of Division 17 of the Agricultural Code is repealed.

SEC. 55. Article 8 (commencing with Section 47821) of Chapter 21 of Division 17 of the Agricultural Code is repealed.

SEC. 56. Article 9 (commencing with Section 47851) of Chapter 21 of Division 17 of the Agricultural Code is repealed.

SEC. 57. Article 2 (commencing with Section 48031) of Chapter 22 of Division 17 of the Agricultural Code is repealed.

SEC. 58. Article 3 (commencing with Section 48051) of Chapter 22 of Division 17 of the Agricultural Code is repealed.

SEC. 59. Article 4 (commencing with Section 48081) of Chapter 22 of Division 17 of the Agricultural Code is repealed.

SEC. 60. Article 2 (commencing with Section 48211) of Chapter 23 of Division 17 of the Agricultural Code is repealed.

SEC. 61. Article 3 (commencing with Section 48231) of Chapter 23 of Division 17 of the Agricultural Code is repealed.

SEC. 62. Article 2 (commencing with Section 48411) of Chapter 24 of Division 17 of the Agricultural Code is repealed.

SEC. 63. Article 3 (commencing with Section 48441) of Chapter 24 of Division 17 of the Agricultural Code is repealed.

SEC. 64. Article 2 (commencing with Section 48581) of Chapter 25 of Division 17 of the Agricultural Code is repealed.

SEC. 65. Article 3 (commencing with Section 48791) of Chapter 26 of Division 17 of the Agricultural Code is repealed.

SEC. 66. Article 4 (commencing with Section 48821) of Chapter 26 of Division 17 of the Agricultural Code is repealed.

SEC. 67. Article 4 (commencing with Section 49041) of Chapter 27 of Division 17 of the Agricultural Code is repealed.

SEC. 68. Article 5 (commencing with Section 49061) of Chapter 27 of Division 17 of the Agricultural Code is repealed.

SEC. 69. Article 2 (commencing with Section 49451) of Chapter 29 of Division 17 of the Agricultural Code is repealed.

SEC. 70. Article 3 (commencing with Section 49601) of Chapter 30 of Division 17 of the Agricultural Code is repealed.

SEC. 71. Article 4 (commencing with Section 49641) of Chapter 30 of Division 17 of the Agricultural Code is repealed.

SEC. 72. Article 2 (commencing with Section 49801) of Chapter 31 of Division 17 of the Agricultural Code is repealed.

SEC. 73. Section 50010 of the Agricultural Code is repealed.

SEC. 74. Article 2 (commencing with Section 50231) of Chapter 33 of Division 17 of the Agricultural Code is repealed.

SEC. 75. Article 3 (commencing with Section 50411) of Chapter 34 of Division 17 of the Agricultural Code is repealed.

SEC. 76. Article 4 (commencing with Section 50431) of Chapter 34 of Division 17 of the Agricultural Code is repealed.

SEC. 77. Article 5 (commencing with Section 50451) of Chapter 34 of Division 17 of the Agricultural Code is repealed.

SEC. 78. Article 2 (commencing with Section 50631) of Chapter 35 of Division 17 of the Agricultural Code is repealed.

SEC. 79. Article 3 (commencing with Section 50651) of Chapter 35 of Division 17 of the Agricultural Code is repealed.

SEC. 80. Article 4 (commencing with Section 50681) of Chapter 35 of Division 17 of the Agricultural Code is repealed.

SEC. 81. Article 3 (commencing with Section 50861) of Chapter 36 of Division 17 of the Agricultural Code is repealed.

SEC. 82. Article 4 (commencing with Section 50891) of Chapter 36 of Division 17 of the Agricultural Code is repealed.

SEC. 83. It is the intention of the Legislature that the director shall promulgate regulations concerning standard containers, lids, marking, sizing, consumer package and pack requirements for fruits, nuts and vegetables to take effect January 1, 1971, at the same time that Sections 3 to 82, inclusive, of this act become operative, and that there shall be no period when there are no laws or regulations governing standard containers, marking and pack for fruits, nuts and vegetables.

SEC. 84. Sections 3 to 82, inclusive, of this act shall become operative January 1, 1971.

SEC. 85. It is the intention of the Legislature that if the director after hearing, determines the statutory provision for standard containers, marking, sizing, consumer package, pack requirement and definitions now contained in the Agricultural Code are satisfactory, that they shall be adopted as the regulations governing these subjects.

SEC. 86. The director shall submit a report to the Legislature on the effect of the implementation of this act on the California fruit, nut, and vegetable industry, including, but not limited to, the competitive position of the industry, compatibility with federal laws, rules, and regulations, and the efficiency of the procedures provided by this act. The report shall be submitted not later than the fifth calendar day of the 1975 Regular Session.

CHAPTER 1471

An act relating to state assistance for community redevelopment.

[Approved by Governor September 19, 1970 Filed with Secretary of State September 19, 1970.]

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

SECTION 1. Notwithstanding any other provision of law, any loan made by the State Allocation Board pursuant to the provisions of Chapter 69 of the Statutes of 1964, First Extraordinary Session (exclusive of any loan made pursuant to the provisions of Chapter 1358 of the Statutes of 1969), shall be considered for all purposes a grant of money not subject to repayment.

CHAPTER 1472

An act to amend Sections 10219 and 10301 of the Elections Code, relating to elections, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 19, 1970 Filed with Secretary of State September 19, 1970]

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

SECTION 1. Section 10219 of the Elections Code is amended to read:

10219. Except in cases provided for by subdivision (d) of Section 16. of Article VI of the Constitution, immediately under the name of each candidate and not separated from the name by any line, may appear, at the option of the candidate, one of the following designations:

(a) Words designating the elective city, county, district, federal, or state office which the candidate then holds at the time of filing his nomination papers to which he was elected by vote of the people or to which he was appointed to fill a vacancy; provided, however, that if his term of office expires 59 days or more prior to the general election, and he is not reelected or reappointed, he may not designate that office on the general election ballot.

In addition to the foregoing, Members of the Senate of the State of California may use either of the following designations: "State Senator, _____ District, California Legislature," or "Member of California Senate, _____ District," or any other appropriate designation, the blanks to be filled with the appropriate district number.

Members of the Assembly may use either of the following designations: "Assemblyman, _____ District, California Legislature" or "Member of the Assembly, _____ District, California Legislature," or any other appropriate designation,

the blanks to be filled with the appropriate district number.

(b) If the candidate is a candidate for the same office which he then holds, and only in that event, the word "incumbent," except that with respect to Members of the State Senate and Assembly, there may appear, in addition to the word "incumbent," one of the applicable designations in subdivision (a).

(c) No more than three words designating the principal professions, vocations or occupations of the candidate; provided, however, that if a candidate ceases to engage in a particular profession, vocation or occupation 59 days or more prior to the general election, he may not designate that profession, vocation or occupation on the general election ballot.

The designation shall be the same as appears in the affidavit of registration of the candidate. If upon checking the nomination paper, the officer in charge of the election finds the wording to be different than that upon the registration affidavit, he shall notify the candidate by registered mail, return receipt requested. The candidate, shall within three days from the date of receipt of the notice appear before the officer and reregister to conform with the request for the designation that appears on his nomination paper. If the candidate does not appear within three days, the officer shall leave the designation under his name blank (no designation). No candidate shall assume a designation which would mislead the voters.

The Secretary of State shall not permit a designation which would suggest an evaluation of a candidate, such as outstanding, leading, expert, virtuous, or eminent.

In all cases words so used shall be printed in eight-point roman boldface capitals and lowercase type.

SEC. 2. Section 10301 of the Elections Code is amended to read:

10301. Immediately under the name of each candidate and not separated from the name by any line may appear, at the option of the candidate, one of the following designations:

(a) Words designating the elective city, county, district, federal, or state office which the candidate then holds at the time of filing his nomination papers to which he was elected by vote of the people or to which he was appointed to fill a vacancy; provided, however, that if his term of office expires 59 days or more prior to the general election, and he is not reelected or reappointed, he may not designate that office on the general election ballot.

In addition to the foregoing, Members of the Senate of the State of California may use either of the following designations: "State Senator, _____ District, California Legislature" or "Member of California Senate, _____ District," or any other appropriate designation, the blanks to be filled with the appropriate district number.

Members of the Assembly may use either of the following designations: "Assemblyman, _____ District, California Legislature" or "Member of the Assembly, _____ District,

California Legislature," or any other appropriate designation, the blanks to be filled with the appropriate district number.

(b) If the candidate is a candidate for the same office which he then holds, and only in that event, the word "incumbent," except that with respect to Members of the State Senate and Assembly, there may appear, in addition to the word "incumbent," one of the applicable designations in subdivision (a).

(c) No more than three words designating the principal professions, vocations or occupations of the candidate; provided, however, that if a candidate ceases to engage in a particular profession, vocation or occupation 59 days or more prior to the general election, he may not designate that profession, vocation or occupation on the general election ballot.

The designation shall be the same as appears in the affidavit of registration of the candidate. If upon checking the nomination paper the officer in charge of the election finds the wording to be different than that upon the registration affidavit of the candidate, he shall notify the candidate by registered mail, return receipt requested. The candidate shall within three days from the date of receipt of the notice appear before the officer and reregister to conform with the request for the designation that appears on his nomination paper. If the candidate does not appear within three days the officer shall leave the designation under his name blank (no designation). The Secretary of State shall not permit a designation which would suggest an evaluation of a candidate, such as outstanding, leading, expert, virtuous, or eminent.

No candidate shall assume a designation which would mislead the voters. Except as provided in subdivision (a), or subdivision (c), the designation shall remain the same for all purposes of both primary and general elections unless the candidate, at least 59 days prior to the general election, requests in writing a different designation which he then has the option to use under Section 10219.

Any candidate at the direct primary election who is elected at a special election held to fill a vacancy in the office for which he is a candidate or in any other office, and who receives his certificate of election and takes his oath of office, may use any appropriate designation as set forth in Section 10219 on the general election ballot, regardless of the designation he may have used on the direct primary election ballot.

In all cases words so used shall be printed in eight-point roman boldface capitals and lowercase type.

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 assure that the provisions of this act are applicable to the general election this year, this act must take effect immediately.

CHAPTER 1473

An act to amend Sections 253.1, 253.4, 253.7, 263.1, 333, 362, 365, 387, 404, 445, 462, 530, 547, 555, and 608 of, to add Sections 465, 543, 570, 571, 581, 583, 584, and 585 to, and to repeal Section 568 of, the Streets and Highways Code, relating to state highways.

[Approved by Governor September 19, 1970. Filed with Secretary of State September 19, 1970.]

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

SECTION 1. Section 253.1 of the Streets and Highways Code is amended to read:

253.1. The California freeway and expressway system shall include:

Routes 5, 6, 7, 8, 10, 13, 14, 15, 17, 18, 21, 22, 24, 28, 29, 30, 31, 32, 34, 37, 40, 44, 47, 48, 50, 52, 53, 54, 55, 56, 57, 59, 60, 61, 63, 65, 67, 68, 70, 71, 73, 74, 78, 80, 81, 83, 85, 87, 88, 89, 90, 92, 93, 97, 100, 102, 106, 107, 108, 109, 118, 121, 122, 124, 125, 126, 133, 134, 136, 139, 140, 141, 143, 145, 148, 149, 150, 154, 156, 157, 161, 163, 164, 170, 171, 179, 181, 183, 184, 199, 205, 208, 210, 217, 221, 223, 230, 232, 234, 235, 237, 238, 239, 242, 244, 247, 249, 251, 252, 256, 257, 258, 259, 280, 380, 405, 505, 580, 605, 680, 805, and 880 in their entirety.

SEC. 2. Section 253.4 of the Streets and Highways Code is amended to read:

253.4. The California freeway and expressway system shall also include:

Route 46 from Route 101 in San Luis Obispo County to Route 99 near Famoso.

Route 49 from:

(a) Route 41 near Oakhurst to Route 140 near Mariposa.

(b) Route 108 south of Jamestown to Route 108 near Sonora.

(c) Route 88 near Jackson to Route 50 near Placerville.

(d) Route 80 near Auburn to Route 20 near Grass Valley.

(e) Route 20 at Nevada City to Route 89 near Sattley.

(f) Route 89 near Sierraville to Route 70 near Vinton.

Route 58 from:

(a) Route 5 to Route 43.

(b) Route 43 to Route 99.

(c) Route 99 near Bakersfield to Route 15 near Barstow.

Route 62 from Route 10 near White Water to Route 247 near Yucca Valley.

Route 64 from Route 101 near Hidden Hills to Route 5.

Route 75 from Route 125 near Brown Field to Route 5 near the south end of San Diego Bay.

Route 76 from Route 5 near Oceanside to Route 15.

Route 77 from Route 580 in Oakland to Route 242 near Concord.

SEC. 3. Section 253.7 of the Streets and Highways Code is amended to read:

253.7. The California freeway and expressway system shall also include:

Route 137 from Route 99 near Tulare to Route 65 near Lindsay.

Route 138 from Route 5 near Gorman to Route 15 near Cajon Pass.

Route 142 from Route 71 near Chino to Route 30 near Upland.

Route 152 from Route 101 to Route 65 near Sharon via Pacheco Pass.

Route 160 from Sacramento to Route 80.

Route 166 from:

(a) Route 101 near Santa Maria to Route 33 in Cuyama Valley.

(b) Route 33 near Maricopa to Route 5.

Route 168 from Fresno to Huntington Lake.

Route 178 from:

(a) Bakersfield to Route 14 near Freeman.

(b) Route 14 near Freeman to the vicinity of the San Bernardino county line.

Route 180 from:

(a) Route 101 near Gilroy to Route 156.

(b) Route 156 to Route 5 passing near Paicines.

(c) Route 5 to Route 99 passing near Mendota.

(d) Route 99 near Fresno to General Grant Grove section of Kings Canyon National Park.

Route 190 from Route 136 near Keeler to Route 127 near Death Valley Junction.

Route 193 from Route 65 near Lincoln to Route 80 near Newcastle.

Route 198 from Route 5 near Oilfields to the Sequoia National Park line.

SEC. 4. Section 263.1 of the Streets and Highways Code is amended to read:

263.1. The state scenic highway system shall include:

Routes 25, 28, 35, 38, 53, 62, 74, 76, 89, 96, 97, 106, 127, 150, 151, 154, 156, 158, 161, 173, 197, 199, 203, 208, 209, 221, 236, 239, 243, 247, and 480, in their entirety.

SEC. 5. Section 333 of the Streets and Highways Code is amended to read:

333. Route 33 is from:

(a) Route 101 near Ventura to Route 150.

(b) Route 150 to Route 5 near Oilfields via the vicinity of Cuyama Valley and Maricopa, and via Coalinga.

(c) Route 5 to Route 152 via the vicinity of Mendota.

(d) Route 5 near Santa Nella to Route 140.

(e) Route 140 to Route 5 near Vernalis.

(f) Route 5 near Vernalis to Route 205 near Tracy.

The portion of this route described in subdivision (f) shall cease to be a state highway when Route 5 Freeway is constructed from Route 33 near Vernalis to Route 205.

SEC. 6. Section 362 of the Streets and Highways Code is amended to read:

362. Route 62 is from Route 10 near White Water to the Arizona state line near Earp via Morongo Valley, the vicinity of Yucca Valley, Twentynine Palms, Rice, and Vidal Junction.

SEC. 7. Section 365 of the Streets and Highways Code is amended to read:

365. Route 65 is from:

(a) Route 99 near Bakersfield to Route 198 near Exeter.

(b) Route 198 near Exeter to Route 80 near Roseville on a route along the easterly side of the San Joaquin Valley to be selected by the California Highway Commission, which route may include all or portions of any existing state highway route or routes.

(c) Route 80 near Roseville to Route 70 near Marysville.

(d) Route 70 near Marysville to Route 99 in or near Yuba City.

SEC. 8. 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 such subdivision (a) of this route or such portion thereof.

(b) San Jose easterly of the Bay Shore Freeway to Route 237.

SEC. 8.5. Section 404 of the Streets and Highways Code is amended to read:

404. Route 104 is from:

(a) Route 99 near Arno to Route 88 near Ione.

(b) Route 88 west of Martell to Route 88 southwest of Pine Grove via the vicinity of Sutter Hill.

(c) Route 88 southwest of Pioneer Station to Route 26 near West Point.

SEC. 9. Section 445 of the Streets and Highways Code is amended to read:

445. Route 145 is from:

(a) Route 5 near Oilfields to Route 99 near Madera, passing near Five Points and Kerman.

(b) Route 99 near Madera to Route 41.

SEC. 10. Section 462 of the Streets and Highways Code is amended to read:

462. Route 162 is from:

(a) Route 5 near Willows to Route 45.

(b) Route 45 to Route 99 near Biggs.

(c) Route 99 near Richvale to Route 70 near Oroville.

(d) Route 70 near Oroville to Foreman Creek Road via the Bidwell Bar Bridge.

SEC. 11. Section 465 is added to the Streets and Highways Code, to read:

465. Route 165 is from Route 5 south of Los Banos to Route 99 near Turlock.

SEC. 12. Section 530 of the Streets and Highways Code is amended to read:

530. Route 230 is from Route 101 near the south city limits of San Francisco 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 Route 230 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 such route or portion thereof.

SEC. 13. Section 543 is added to the Streets and Highways Code, to read:

543. Route 243 is from Route 74 near Mountain Center to Route 10 near Banning.

SEC. 14. Section 547 of the Streets and Highways Code is amended to read:

547. Route 247 is from:

(a) Route 62 near Yucca Valley to Route 18 near Lucerne Valley.

(b) Route 18 near Lucerne Valley to Route 15 near Barstow.

SEC. 15. Section 555 of the Streets and Highways Code is amended to read:

555. Route 255 is from Route 101 in Eureka to Route 101 near Arcata via the Humboldt Bay Bridge and the Samoa Peninsula.

SEC. 15.5. Section 568 of the Streets and Highways Code is repealed.

SEC. 16. Section 570 is added to the Streets and Highways Code, to read:

570. Route 270 is from Route 395 south of Bridgeport to Bodie State Historic Park.

SEC. 16.5. Section 571 is added to the Streets and Highways Code, to read:

571. Route 271 is from Route 101 near Cummings to Route 101 near the Humboldt-Mendocino county line.

SEC. 17. Section 581 is added to the Streets and Highways Code, to read:

581. Route 281 is from Route 29 south of Lakeport to Route 29 southerly of Konocti Bay and via the vicinity of Soda Bay.

SEC. 18. Section 583 is added to the Streets and Highways Code, to read:

583. Route 283 is from Route 101 south of Rio Dell to the north end of the Eel River Bridge and Overhead in Rio Dell.

SEC. 19. Section 584 is added to the Streets and Highways Code, to read:

584. Route 284 is from Route 70 at Chilcoot to Frenchman Reservoir.

SEC. 20. Section 585 is added to the Streets and Highways Code, to read:

585. Route 285 is from Route 70 on West Street in Portola northwesterly to the north city limits, then to Lake Davis via Humbug Canyon, and then easterly to Grizzly Reservoir via the south shore of the lake.

SEC. 21. Section 608 of the Streets and Highways Code is amended to read:

608. Route 380 is from:

(a) Route 1 near Pacifica to Route 280 in San Bruno.

(b) Route 280 in San Bruno to Route 101 in the vicinity of the San Francisco International Airport.

SEC. 22. Section 263.1 of the Streets and Highways Code is amended to read:

263.1. The state scenic highway system shall include:

Routes 25, 28, 35, 38, 53, 62, 74, 76, 89, 96, 97, 106, 127, 150, 151, 154, 156, 158, 161, 173, 197, 199, 203, 208, 209, 221, 236, 239, 243, 247, 480, and 580 in their entirety.

SEC. 23. It is the intent of the Legislature, if amendments to Section 263.1 of the Streets and Highways Code proposed by both this bill and A.B. 1170 are enacted, that both amendments be given effect and incorporated in Section 263.1 in the form set forth in Section 22 of this act. Therefore, in the event A.B. 1170 is enacted and amends Section 263.1, Section 22 of this act shall become operative at the same time that Section 263.1 as amended by A.B. 1170 becomes operative, and at that time, Section 263.1 of the Streets and Highways Code as amended by Section 4 of this act is repealed.

CHAPTER 1474

An act to amend Section 12351, to add Section 12354.5, and to repeal Sections 12357 and 12358 of the Education Code, relating to supervisors of attendance.

[Approved by Governor September 19, 1970. Filed with Secretary of State September 19, 1970.]

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

SECTION 1. Section 12351 of the Education Code is amended to read:

12351. The board of education of any school district and of any county shall appoint a supervisor of attendance and such assistant supervisors of attendance as may be necessary

to supervise the attendance of pupils in the district or county. The board shall prescribe the duties of the supervisor and assistant supervisors of attendance, not inconsistent with law, to include, among other duties that may be required by the board, those specific duties related to compulsory full-time education, truancy, work permits and compulsory continuation education now required of such attendance supervisors by this chapter and Article 5 (commencing with Section 12751) of Chapter 7 of Division 10.

SEC. 2. Section 12354.5 is added to the Education Code, to read:

12354.5. A district may, with the approval of the county board of education, contract with the county superintendent of schools for the supervision of attendance of pupils in the school district. The county superintendent of schools shall transfer from the funds of the district to the county school service fund an amount equal to the actual cost of providing for the supervision of attendance.

SEC. 3. Section 12357 of the Education Code is repealed.

SEC. 4. Section 12358 of the Education Code is repealed.

SEC. 5. It is the intent of the Legislature that the supervision of attendance provisions of this act shall be applicable in all school districts and counties in order to combat problems of irregular attendance, delinquency and school dropouts and related home-school-community conditions affecting the welfare of pupils; no requirement to employ new personnel shall be implied from the fact that currently employed personnel may be assigned to perform specified duties in addition to other responsibilities they may have as certificated employees of the district.

CHAPTER 1475

An act to amend Section 17507 of the Education Code, relating to public schools.

[Approved by Governor September 19, 1970. Filed with Secretary of State September 19, 1970.]

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

SECTION 1. Section 17507 of the Education Code is amended to read:

17507. The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district:

(a) For grades 1 to 3, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty (30) in each class.

For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30.0 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 or whose average size for all the classes is more than 30, the excess shall be the total of the number of pupils which are in excess of 30 in each class having an enrollment of more than 30.

(b) For grades 4 to 8, inclusive, he shall determine the total number of pupils enrolled, the number of full-time equivalent classroom teachers, and the average number of pupils per each full-time equivalent classroom teacher. He shall also determine the excess, if any, of pupils enrolled in such grades in the following manner:

(1) Determine the number of pupils by which the average number of pupils per each full-time equivalent classroom teacher for the current fiscal year exceeds the greater of the average number of pupils per each full-time equivalent classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full-time equivalent classroom teacher which existed in the district on either October 30, 1964 or March 30, 1964, as selected by the governing board.

(2) Multiply the number determined in (1) above by the number of full-time equivalent classroom teachers of the current fiscal year.

(3) Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full-time equivalent teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above.

(c) He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provisions of subdivision (a) of this section by ninety-seven hundredths (0.97), and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to district change in average daily attendance. Change in average daily attendance shall be determined by dividing average daily attendance in grades 1, 2 and 3 reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year.

(d) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 17601.1 by twice the product determined under subdivision (c) of this section.

(e) If the school district reports that it has maintained, during the current fiscal year, no classes in which there were enrolled pupils in excess of thirty (30) per class determined pursuant to subdivision (a) of this section, and there is an excess number of pupils computed pursuant to subdivision (b) of this section, he shall make the following computation:

He shall compute the product obtained by multiplying the excess number of pupils computed pursuant to subdivision (b) of this section by ninety-seven hundredths (0.97) and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to the district change in average daily attendance. He shall decrease the average daily attendance reported under the provisions of Section 17601.1 by twice the resulting product. Change in average daily attendance shall be determined by dividing average daily attendance in grades 4 to 8, inclusive, reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year.

(f) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class determined pursuant to subdivision (a) of this section, and there is an excess number of pupils computed pursuant to subdivision (b) of this section, he shall make the following computation:

He shall add to twice the product determined under subdivision (c) of this section, the product determined under subdivision (e) of this section and decrease the average daily attendance reported under the provisions of Section 17601.1 by this total amount.

(g) If the school district reports, that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class determined pursuant to subdivision (a) of this section, there is an excess number of pupils computed pursuant to subdivision (b) of this section, and the average number of pupils in grades 1 to 3, inclusive, per each full-time equivalent classroom teacher is less than thirty (30), he shall decrease the average daily attendance reported under the provisions of Section 1760.1 by one-half of the decrease otherwise computed for the district pursuant to subdivision (f) of this section.

The governing board of each school district maintaining elementary schools shall report for the fiscal year 1964–65 and each year thereafter the information required for the determinations to be made by the Superintendent of Public Instruction under the provisions of this section in accordance with instructions provided on forms furnished and prescribed by the Superintendent of Public Instruction Such information shall be reported by the school district together with, and at the same time as, the reports required to be filed for the second principal apportionment of the State School Fund. The forms on which the data and information is reported shall include a

certification by each school district superintendent or chief administrative officer that the data is correct and accurate for the period covered, according to his best information and belief.

For purposes of this section, a "full-time equivalent classroom teacher" means an employee of an elementary, high school, or unified school district, employed in a position requiring certification qualifications and whose duties require him to teach pupils in the elementary schools of that district in regular day classes for the full time for which he is employed during the regular schoolday. In reporting the total number of full-time equivalent classroom teachers, there shall be included, in addition to those employees defined above, the full-time equivalent of all fractional time for which employees in positions requiring certification qualifications are required to devote to teaching pupils in the elementary schools of the district in regular day classes during the regular schoolday.

For purposes of this section, the number of pupils enrolled in each class means the average of the active enrollment in that class on the last teaching day of each school month which ends prior to April 15th of each school year.

The provisions of this section are not applicable to school districts with less than 101 units of average daily attendance for the current fiscal year.

Although no decreases in average daily attendance shall be made for the fiscal year 1964–65, reports are required to be filed under the provisions of this section, and the Superintendent of Public Instruction shall notify each school district the amount of the decrease in state allowances which would have been effected had such decrease in average daily attendance been applied.

The Superintendent of Public Instruction shall adopt rules and regulations which he may deem necessary for the effective administration of this section. Such rules and regulations may specify that no decrease in average daily attendance reported under the provisions of Section 17601 1 shall be made for a school district on account of large classes due to instructional television or team teaching, which may necessarily involve class sizes at periods during the day larger than the standard set forth in this section.

CHAPTER 1476

An act to add Article 4 (commencing with Section 1560) to Chapter 8 of Part 2 of Division 2 of the Water Code, relating to water rights.

[Approved by Governor September 19, 1970. Filed with Secretary of State September 19, 1970.]

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

SECTION 1. Article 4 (commencing with Section 1560) is added to Chapter 8 of Part 2 of Division 2 of the Water Code, to read:

Article 4. Exemptions

1560. No fee shall be required from the United States on applications, permits, or licenses to appropriate water to be used in furtherance of projects under the supervision of the United States Bureau of Reclamation. However, the board is authorized to enter into contractual arrangements calling for the United States Bureau of Reclamation to reimburse the board, in whole or in part, for services furnished by the board, either directly or indirectly, in connection with, or for the protection of rights under, any applications, permits, or licenses of the United States Bureau of Reclamation.

CHAPTER 1477

An act to amend Sections 375 and 21201 of the Vehicle Code, relating to bicycles.

[Approved by Governor September 19, 1970. Filed with Secretary of State September 19, 1970.]

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

SECTION 1. Section 375 of the Vehicle Code is amended to read:

375. "Lighting equipment" is any of the following lamps or devices:

(a) Any headlamp, auxiliary driving, passing, or fog lamp, tail lamp, stop lamp, supplemental stop lamp, license plate lamp, clearance lamp, side-marker lamp, signal lamp or device, supplemental signal lamp, cornering lamp, running lamp, diffused nonglaring lamp, red or amber warning lamp, and flashing red schoolbus lamp.

(b) Any operating unit or canceling mechanism for turn signal lamps or for the simultaneous flashing of turn signal lamps as vehicular hazard signals, and any flasher mechanism for turn signals, red schoolbus lamps, warning lamps, and the simultaneous flashing of turn signal lamps as vehicular hazard signals.

(c) Any equipment regulating the light emitted from any lamp or device or the light sources therein.

(d) Any reflector, including reflectors for use on bicycles and reflectors used for required warning devices.

SEC. 2. Section 21201 of the Vehicle Code is amended to read:

21201. (a) No person shall operate a bicycle on a roadway unless it is equipped with a brake which will enable the oper-

ator to make one braked wheel skid on dry, level, clean pavement.

(b) No person shall operate on the highway any bicycle equipped with handlebars so raised that the operator must elevate his hands above the level of his shoulders in order to grasp the normal steering grip area.

(c) No person shall operate upon any highway a bicycle which has been modified or altered in such a way as to cause the pedal in its lowermost position to be more than 12 inches above the ground.

(d) Every bicycle operated upon any highway during darkness shall be equipped with a lamp emitting a white light visible from a distance of 300 feet in front of the bicycle and with a red reflector on the rear of a type approved by the department which shall be visible from a distance of 300 feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle. A lamp emitting a red light visible from 300 feet to the rear may be used in addition to the red reflector.

(e) On and after January 1, 1972, no person shall sell a new bicycle or pedal for use on a bicycle that is not equipped with a reflector, of a type approved by the department, on each pedal of such bicycle which is visible from the front and rear of the bicycle during darkness from a distance of 200 feet.

CHAPTER 1478

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

[Approved by Governor September 19, 1970. Filed with Secretary of State September 19, 1970.]

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

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

12050. (a) 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 any period of time not to exceed one year from the date of the license.

(b) A license may include any reasonable restrictions or conditions which the issuing authority deems warranted, including restrictions as to the time, place, and circumstances under which the person may carry a concealed firearm.

(c) Any restrictions imposed pursuant to subdivision (b) shall be indicated on any license issued on or after the effective date of the amendments to this section enacted at the 1970 Regular Session of the Legislature.

CHAPTER 1479

An act to amend Sections 51520 and 51562 of the Government Code, relating to the transfer of city tax collecting functions to counties.

[Approved by Governor September 19, 1970 Filed with Secretary of State September 19, 1970.]

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

SECTION 1. Section 51520 of the Government Code is amended to read:

51520. Notwithstanding any provisions of this article relating to compensation paid to the county for assessing and collecting taxes for a city the board of supervisors may, upon a finding of public interest, perform such assessment and collection service for a city without compensation from such city; provided that, in a county having a population of 4,000,000 or more, the county shall perform such assessment and collection service for a city without compensation from such city; provided, further, that, in any county in which all cities agree to use of the county assessment roll and agree to permit the county to perform such assessment and collection functions, the county shall perform such assessment and collection services for the cities without compensation from such cities.

SEC. 2. Section 51562 of the Government Code is amended to read:

51562. Notwithstanding any provision of this article relating to compensation paid to the county for assessing and collecting taxes for a city the board of supervisors may, upon a finding of public interest, perform such assessment and collection services for a city without compensation from such city; provided, that, in a county having a population of 4,000,000 or more, the county shall perform such assessment and collection services for a city without compensation from such city; provided, further, that in any county in which all cities agree to use of the county assessment roll and agree to permit the county to perform such assessment and collection functions, the county shall perform such assessment and collection services for the cities without compensation from such cities.

CHAPTER 1480

An act to add Part 8 (commencing with Section 5975) to Division 2 of the Water Code, relating to the California-Nevada Interstate Compact.

[Approved by Governor September 19, 1970 Filed with Secretary of State September 19, 1970.]

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

SECTION 1. Part 8 (commencing with Section 5975) is added to Division 2 of the Water Code, to read:

PART 8. CALIFORNIA-NEVADA INTERSTATE COMPACT

5975. The Legislature of the State of California hereby ratifies and approves the California-Nevada Interstate Compact as set forth in Section 5976. The provisions of the compact shall become the law of this state upon the compact becoming operative as provided in Article XXII of the compact.

5976. The provisions of the California-Nevada Interstate Compact are as follows:

Article I. Purposes

Consistent with the provisions of the authorization acts of the State of California and the State of Nevada and the United States, the major purposes of this compact are to provide for the equitable apportionment of water between the two states; to promote interstate comity and to further intergovernmental cooperation; to protect and enhance existing economies; to remove causes of present and future controversies; to permit the orderly integrated and comprehensive development, use, conservation and control of the water within the Lake Tahoe, Truckee River, Carson River, and Walker River Basins.

Article II. Definitions

A. The terms "California" and "Nevada" shall mean respectively the State of California and the State of Nevada.

B. The term "commission" shall mean the administrative agency created by Article IV of this compact.

C. The term "Lake Tahoe Basin" shall mean the drainage area naturally tributary to Lake Tahoe including said lake or to the Truckee River upstream from the Truckee River intersection with the western boundary of Section 12, Township 15 North, Range 16 East, Mount Diablo Base and Meridian.

D. The term "Truckee River Basin" shall mean the area which naturally drains into the Truckee River and its tributaries and into Pyramid Lake including such lake, but excluding the Lake Tahoe Basin.

E. The term "Carson River Basin" shall mean the area which naturally drains into the Carson River and its tributaries and to the Carson River Sink, but excluding the Humboldt River drainage area.

F. The term "Walker River Basin" shall mean the area which naturally drains into the Walker River and/or Walker Lake upstream from the intersection of the river and/or lake in Mineral County, Nevada, with the northern township line of Tier 10 North, Mount Diablo Base Line.

G. Except as otherwise expressly provided in this compact the terms "existing", "present", and "presently" shall mean as of 1964.

H. The term "effective date of the compact" shall be the date on which the legislation provided for in Article XXII(1) and (2) shall become law.

I. "Measured" means the determination of the relevant amount of water in cubic feet per second or gallons per minute or acre-feet by the use of a current meter, rated weir, rated flume, pipeline water meter, computation from contour maps, or any other method which results in a reasonably accurate determination based on sound engineering practices.

Article III. Sovereign Relationship

A. Each state shall have jurisdiction to determine, pursuant to its own laws, the rights to the use of waters allocated to it herein; provided, however, that the right to use such water shall be limited to such quantities of water as shall reasonably be required for the beneficial use to be served and shall not extend to the waste or unreasonable use of water. Such provision shall not be construed to affect the water rights laws of either state with respect to any waters, other than the waters allocated to the state hereunder Each state will recognize and accept applications for such permits, licenses or other permissions as are required by the law of the state where the application is filed to enable the other state to utilize water allocated to such other state. This provision shall neither require nor prohibit the United States of America from complying with provisions of state law relating to the appropriation of water allocated to the states by this compact.

B. Each state shall cooperate with the other in securing to each the right to fully utilize the rights and privileges granted and waters allocated to each hereunder.

C. The use of water by the United States of America or any of its agencies, instrumentalities or wards shall be charged as a use by the state in which the use is made.

Article IV. The California-Nevada Compact Commission

A. Creation and Composition

1. There is hereby created an interstate compact commission to be designated as the California-Nevada Compact Commission herein referred to as the commission.

2. The commission shall consist of five members from each state and one member as representative of the United States chosen by the President of the United States who is hereby requested to appoint such a representative. The United States member shall be ex officio chairman of the commission without vote and shall not be a domiciliary of or reside in either state.

(a) The California members of the commission shall consist of the Director of the Department of Water Resources of the

State of California, and four (4) members appointed by the Governor of California, all of whom shall be residents of the State of California. One of the four members so appointed shall be a resident of the Lake Tahoe Basin, one shall be a resident of the Truckee River Basin, one shall be a resident of the Walker River Basin and one shall be a resident of the Carson River Basin.

(b) The Nevada members of the commission shall consist of the State Engineer of the State of Nevada (who additionally shall represent all Nevada areas not otherwise represented as herein provided), and four (4) members appointed by the Governor of Nevada, each of whom shall be a resident of the State of Nevada and represent a specific area therein as below defined, provided that the Governor shall not appoint any person a member of such commission if he determines that such person has a conflicting interest in California. One of the four members so appointed shall be a resident real property owner within and represent the Reno-Sparks metropolitan area (including adjacent agricultural area) and be fully qualified by knowledge and experience in connection with the water requirements and supply for such area; the other three members so appointed shall be representative of the common interests and goals of all water users of the area and each shall have broad practical experience in water management, and one shall be a resident real property owner within and represent the Walker River Basin in Nevada, another shall be a resident real property owner within and represent the Carson River Basin in Nevada upstream from Lahontan Reservoir, and the third shall be a resident real property owner within and represent the area within the Truckee-Carson Irrigation District in Nevada.

3. The term of office of the four members of the commission appointed by each Governor shall be four (4) years. The Governor of each state, upon appointment of the first members of the commission, shall designate one member of the commission to serve for a period of one year, one member to serve for a period of two years, one member to serve for a period of three years, and one member to serve for a period of four years. Thereafter, members shall be appointed for the regular term of four years as the terms expire.

4. Interim vacancy, for whatever cause, in the office of any member of the commission shall be filled for the unexpired term in the same manner as hereinabove provided for regular appointment.

5. The appointed members of the California-Nevada Compact Commission shall be designated within ninety (90) days after the effective date of the compact. Within thirty (30) days after such members have been appointed and the federal representative designated, the commission shall meet and organize.

B. Finances

1. The salaries and the personal expenses of each member of the commission shall be paid by the government he represents. All other expenses which are incurred by the commission

incident to the administration of this compact and which are not paid by the United States or by other funds received by the commission shall be borne equally by the two states.

2. The commission shall adopt a budget covering the commission's estimate of its expenses for each of the following two fiscal years; provided, that whenever the Legislatures of both states appropriate funds on an annual basis the commission shall submit its budget on such annual basis. The commission shall submit said budget to the Governors of the two states for joint review and approval and to the President of the United States at the earliest date prescribed by the two states for submission of proposed budgets. Each state shall appropriate one-half of the funds necessary to meet said budget requirements, which appropriations shall be made available to the commission as of July 1 of each fiscal year for such fiscal year's operations. All unexpended and unencumbered funds from such appropriations shall be returned by the commission in equal proportions to the states to the credit of the state fund from which said appropriation was made. All receipts and disbursements of funds handled by the commission shall be subject to a joint audit by the states and the report of said audit shall be included, and become a part of the annual report of the commission.

3. The commission shall not pledge the credit of any government except by and with the authority of the legislative body thereof given pursuant to and in keeping with the Constitution of said government. The commission shall not incur any obligations prior to the availability of funds adequate to meet the same.

4. The commission shall make and transmit to the Legislature and Governor of each state and to the President of the United States an annual report covering the finances and activities of the commission and embodying such plans, recommendations and findings as may have been adopted by the commission.

C. Meetings and Voting

1. A quorum for any meeting of the commission shall consist of six members of the commission, provided that at least three members are present from each state.

2. All meetings of the commission for the consideration of and action on any matters coming before the commission, except matters involving the management of internal affairs of the commission and its staff, or involving litigation in which the commission is a party, shall be open to the public. Matters coming within the exception of this paragraph may be considered and acted upon by the commission in executive session under such rules and regulations as the commission may see fit to establish.

3. Each state shall have but one vote and every decision, authorization, determination, order or other action shall require the concurring votes of both states, provided that no state

shall vote on any action without the concurring vote of not less than three members of the commission from such state.

D. General Powers

The commission shall have power to:

1. Adopt, amend and revoke bylaws, rules and regulations and prescribe procedures for administration of the provisions of this compact.

2. Establish such offices as it deems necessary, and acquire and hold property either by purchase, lease or otherwise as may be necessary for the performance of its functions under this compact.

3. Employ engineering, legal, clerical and other aid as in its judgment may be necessary for the performance of its functions. Such employees shall be paid by and be responsible to the commission and shall not be considered to be employees of either state. The commission may establish workmen's compensation benefits directly or by insurance. The commission is authorized to contribute to the cost of health and accident insurance for its employees to the same extent as either state contributes to the cost of such insurance for its employees.

4. Perform all functions required of it by this compact and to do all things necessary, proper or convenient in the performance of its duties hereunder, either independently or in cooperation with any state, federal or local agency or other entity or person.

5. Make such findings as are pertinent to this compact including but not limited to findings as to the quantities of water being used in either state, the amount of water available for use pursuant to the allocations made herein, and each state's share of the waters allocated.

6. Install and maintain measuring devices of a type or types approved by the commission in any stream, lake, reservoir, ditch, pumping station or other diversion works on the Truckee, Carson or Walker Rivers or on Lake Tahoe, or on waters tributary thereto, or to require water users at their expense to install and maintain measuring devices, as the commission may determine necessary or proper to carry out the purposes or provisions of this compact. The execution and enforcement of such requirements concerning such measuring devices as shall be enacted by the commission shall be accomplished by the commission directly, or by such federal, state, local or other official or person as the commission may delegate, or by any other agency responsible to or representing a federal court.

7. Accept gifts of money or real property or anything of value.

8. Appoint a hearing examiner or examiners who may be members of the commission to conduct hearings and to make recommendations to the commission on any matter requiring a hearing and decision by the commission.

9. Obtain a right of access to all properties in the Lake Tahoe, Truckee River, Carson River and Walker River Basins whenever necessary for the purpose of administration of this

compact. The commission may obtain a court order to enforce this right of access.

10. Take such action as it deems appropriate for the enforcement of the provisions of this compact.

11. Administer oaths or affirmations and to compel the attendance of witnesses and the production of documents by the use of subpoena which may be served anywhere within the territorial limits of the United States; said power to administer oaths and affirmations and to compel the attendance of witnesses and the production of documents by the use of subpoena may also be exercised by any hearing examiner appointed as provided in subsection 8 of this Section D.

12. Contract with the appropriate agency of either state, including the retirement system, to provide retirement and other benefits to commission employees.

E. Whenever the public health or welfare is endangered, the commission may declare the existence of an emergency and, in such event, shall designate the location, nature, cause, area, extent and duration thereof. In the event of an emergency so declared, the commission may, with respect to all matters covered by this compact, do all things necessary, proper or convenient independently or in cooperation with any other agency, person, or entity, to initiate, carry on, and complete any and all remedial measures required to meet said emergency including the adoption and enforcement of any regulations and restrictions necessary for such purpose.

Article V. Lake Tahoe Basin

A. The right of the United States or its agent to store waters in Lake Tahoe between elevations 6,223.0 and 6,229.1 feet (Lake Tahoe datum) and to release said stored waters for beneficial uses downstream from Lake Tahoe Basin is hereby ratified and confirmed subject to the rights granted in Section D of this article.

B. It is agreed by the states subject to the consent of the head of the federal agency having jurisdiction thereof, that an overflow weir of approximately 140 feet in length with a crest elevation of 6,223.0 feet, Lake Tahoe datum, upstream from the Lake Tahoe outlet gates shall be constructed and installed with necessary channel improvements within four years from the effective date of this compact provided that should the commission decide that it is in the best interest of each of the two states, it may extend such period for such additional period or periods as it may deem reasonable. The cost of this installation shall be borne by the States of California and Nevada in equal amounts. As used herein, Lake Tahoe datum shall be measured with respect to the top surface of the hexagonal brass bolt seven-eighths inch in diameter, projecting one inch from the vertical face of the southerly concrete abutment wall of the present existing Lake Tahoe Dam, at approximately 3.2 feet below the top of the wall and approximately in line with the upstream ends of the cutwaters of the concrete piers between

the sluiceways of the dam. This surface of the brass bolt is presumed for the purposes of the compact to have an elevation 6,230.0 feet Lake Tahoe datum, notwithstanding that it was determined by the U.S. Geological Survey on November 15, 1960, to be at an elevation of 6,228.86 feet above sea level datum of 1929.

C. The storage rights in Lake Tahoe shall be operated alone or in conjunction with other reservoirs so as to minimize the period and duration of high and low water elevations in Lake Tahoe, provided that exchanges of water or releases between Lake Tahoe and other reservoirs shall not measurably impair the intended purpose of such reservoirs.

D. Upon construction of the overflow weir provided for in Section B of this article, the total annual gross diversions for use within the Lake Tahoe Basin from all natural sources including ground water and under all water rights in said basin shall not exceed 34,000 acre-feet annually, of which 23,000 acre-feet annually is allocated to the State of California for use within said basin, and 11,000 acre-feet annually is allocated to the State of Nevada for use within said basin. After use of the water allocated herein, neither export of the water from the Lake Tahoe Basin nor the reuse thereof prior to its return to the lake is prohibited. This allocation is conditioned upon the construction of the overflow weir; however, it is recognized that there may well be a period of time between the effective date of the compact and the construction of the overflow weir; during that period of time both states shall be permitted to use waters within the Lake Tahoe Basin subject to the same conditions, both as to place of use and amounts of use, as are provided in this Article V.

E. In addition to the other allocations made by this compact, transbasin diversions from the Lake Tahoe Basin in both states existing as of December 31, 1959, may be continued, to the extent that such diversions are recognized as vested rights under the laws of the state where each such diversion is made.

The diversion of a maximum of 3,000 acre-feet per annum from Marlette Lake for use in Nevada is hereby recognized as an existing transbasin diversion within the meaning of this Section E.

F. Pumping from Lake Tahoe Basin for the benefit of downstream users within the Truckee River Basin shall be permitted only in the event of a drouth emergency as declared by the commission to the extent required for domestic, municipal, and sanitary purposes, and when it is determined by the commission that all other water available for such uses from all sources is being so utilized. In the event of such declaration of emergency, use of this water for such purposes shall have priority over use of water for any other purpose downstream from Lake Tahoe Basin. Pumping shall be done under the control and supervision of the commission and water pumped shall not be charged to the allocation of water to the Lake Tahoe Basin made herein.

Article VI. Truckee River Basin

The following allocations of water of the Truckee River and its tributaries, including Lake Tahoe releases, are hereby made in the following order of relative priority as between the states:

A. There is allocated to Nevada water for use on the Pyramid Lake Indian Reservation in amounts as provided in the 1944 Truckee River Decree (Final Decree in United States vs. Orr Ditch Company, et al., United States District Court for the District of Nevada, Equity No. A3). By appropriate court order, the United States, for and in behalf of the Pyramid Lake Indians shall have the right to change points of diversion, place, means, manner, or purpose of use of the water so allocated so far as such change may be made without injury to the allocations to either state.

B. There is allocated to California:

1. The right to divert within the Truckee River Basin in California 10,000 acre-feet of water per calendar year which may be stored in reservoirs at times when the flow in the channel of the Truckee River at the United States Geological Survey Gauging Station at or near the California-Nevada state line exceeds 500 cubic feet per second; provided that such diversions shall not in the aggregate exceed 2,500 acre-feet in any calendar month and the amount of such storage in any one reservoir, except Donner Lake, shall not exceed 500 acre-feet of active storage capacity.

2. The amount of water as decreed to the Sierra Valley Water Company by judgment in the case of United States vs. Sierra Valley Water Company, United States District Court for the Northern District of California, Civil No. 5597, as limited by said judgment.

3. Six thousand acre-feet of water annually from the conservation yield of Stampede Reservoir having a storage capacity of 225,000 acre-feet, subject to the execution of a contract or contracts therefor with the United States of America. California may divert all or any portion of said 6,000 acre-feet of conservation yield from Stampede Reservoir directly or by exchanges from any source on the Truckee River or its tributaries or from Lake Tahoe. California shall be allowed to deplete this allocation; provided, that in ascertaining the amount of depletion, credit for return flow shall be limited to the amounts of water which can be measured as a contribution to the Truckee River system.

4. If and when the water allocated to California in subparagraphs 1 and 3 of this section and in Article V is being used, or such use appears imminent, the commission shall permit California to develop additional yields of water for use in California, either directly or by exchange subject to the following limitations:

(a) All existing beneficial uses of water for domestic, municipal, industrial, and agricultural purposes in Nevada as determined by Nevada law as of that time together with the

yield of Stampede Reservoir in excess of 6,000 acre-feet shall be recognized and not impaired by the development of such additional yield.

(b) Additional yields developed for use in California shall be limited to an amount not to exceed an aggregate of 10,000 acre-feet annually, and such development shall be for domestic, municipal, and industrial uses solely. California shall be allowed to deplete this allocation; provided, that in ascertaining the amount of depletion, credit for return flow shall be limited to the amounts of water which can be measured as a contribution to the Truckee River system.

(c) The right of the commission to permit Nevada to share in such additional yield upon participation by Nevada in bearing a proportionate cost of developing such additional yield.

C. The right to store in Prosser Creek Reservoir a maximum of 30,000 acre-feet of water annually with the priority as set forth in California State Water Rights permit 11666 and to release water therefrom as set forth in said permit and any license which may be issued thereunder is hereby recognized and confirmed.

D. There is allocated to Nevada all water in excess of the allocations made in Sections B and C of this article.

Article VII. Carson River Basin

The following allocations of water of the Carson River and tributaries are hereby made in the following order of priority as between states:

A. There is allocated to the State of California:

1. The right to divert from the natural flow of the West Fork Carson River and its tributaries for existing nonirrigation uses, and for direct irrigation use commencing on March 15 and ending on October 31 of each year on presently irrigable lands determined to be approximately 5,600 acres, an aggregate flow of water equal to a 30-day average of 3 c.f.s. per 100 acres or 168 c.f.s. for the area as a whole; provided that the 3 c.f.s. per 100-acre limitation shall not prevent greater rates of diversion for those areas which have an established greater rate of use; provided further, however, that the maximum aggregate diversion shall not exceed 185 c.f.s. measured at the points of diversion.

Provided, however, diversions for use downstream from the western boundary of Section 34, Township 11 North, Range 19 East, Mount Diablo Base and Meridian, shall be subject to the following limitations:

(a) Whenever, after the first Monday in May or any day in that week or alternate weeks thereafter of any year the flow of the West Fork of the Carson River at said western boundary shall have fallen below 175 cubic feet per second, then, until October 31 next, water users in California who divert from the West Fork of the Carson River downstream from said western boundary shall rotate all or any portion of the natural flow of

the West Fork of the Carson River necessary to satisfy the demand of Nevada lands with water users in Nevada every other week beginning with the week following that in which water is used in Nevada, and during each rotation period said California users shall be entitled to divert the natural flow of the West Fork of the Carson River during their rotation weeks.

(b) Rotation between water users in California and Nevada on the West Fork of the Carson River may be terminated in whole or in part upon approval of the commission for such termination, upon provision being made so that sufficient water is available by storage or exchange to assure that the water users in Nevada will receive at the same time the flow of water which would have been available to the Nevada water users under rotation.

(c) Stock water, domestic water, and water for fire protection purposes may be diverted downstream from said western boundary from the natural flow of the West Fork of the Carson River at all times by owners of irrigation water rights in California whose lands are contiguous to the West Fork of the Carson River; provided, however, that such diversion shall be limited to the amounts actually required to deliver water for such purposes, and any excess over the amount so diverted shall be returned to the West Fork of the Carson River whenever practicable. Water diverted under this provision shall not be converted to any other use. The commission or its designee shall rule on any challenge relative to the necessity and amount of water required for such purposes.

2. The right to divert from the natural flow of the East Fork Carson River and its tributaries for existing nonirrigation uses, and for direct irrigation use commencing on March 15 and ending on October 31 of each year on presently irrigable lands determined to be approximately 3,820 acres, an aggregate flow of water equal to a 30-day average of 3 c.f.s. per 100 acres or 115 c.f.s. for the area as a whole; provided that the 3 c.f.s. per 100-acre limitation shall not prevent greater rates of diversion for those areas which have an established greater rate of use; provided further, however, that the maximum aggregate diversion shall not exceed 115 c.f.s. measured at the points of diversion.

3. There is allocated to the State of California the right to store 2,000 acre-feet of water per annum within Alpine County for supplemental use on presently irrigated lands within said county adverse to Lahontan Reservoir but subject to all other existing uses in Nevada. Water stored pursuant to this section remaining at the end of the year shall be deemed to have been stored in the succeeding year.

B. There is allocated to the State of Nevada:

1. The right to divert water from the natural flow of the Carson River and its tributaries during the period commencing March 15 and ending October 31 of each year at the rate of 3 c.f.s. per 100 acres for use on presently irrigated lands in the area above Lahontan Reservoir determined to be approximately 41,320 acres. The rate of 3 c.f.s. per 100 acres is based

on a 30-day average for the area as a whole and shall not prevent greater rates of diversion for those areas that have an established greater use; provided that the aggregate diversion measured at the points of diversion shall not exceed 700 c.f.s. on the East Fork of the Carson River, 300 c.f.s. on the West Fork of the Carson River, and 220 c.f.s. on the Main Carson River below the confluence of the East and West Forks.

The combining and exchanging of the use of water between ditches and among users shall be permitted at all times and shall be required whenever necessary in order to obtain reasonable economy in the use of the water of the river or other streams, or in order to give to each ditch or user a more advantageous irrigation head.

2. Subject to allocations made in subsection B.1 and Section C of this article, the right to divert water from the Carson River for irrigation use either by direct diversion or by storage in Lahontan Reservoir or other existing reservoirs for use on the Newlands Project.

C. There is allocated to each state the right to store water in existing reservoirs upstream from Lahontan Reservoir to the extent of existing capacity with the appropriate priority with respect to natural flow rights upstream from Lahontan Reservoir under applicable state law, and use such stored waters on the lands in each state to which the storage is appurtenant.

D. Additional yields shall be available for development under the currently authorized Washoe Project from water available in excess of existing beneficial uses recognized by Nevada law, or under other new projects upon a determination by the commission that there is water available on the Carson River and its tributaries in excess of that required to satisfy existing beneficial uses in Nevada as determined by Nevada law as of the time of authorization or construction of such new projects. Such additional yields shall be allocated between the states with equal priority, 20 percent of which shall be allocated to California and 80 percent to Nevada.

Each state shall have the right to participate in any development project by bearing a proportionate cost of such development. In the event that joint developments are found to be not feasible or desirable, each state may develop separately its proportionate share of the remaining water.

E. Except as provided by Article X of this compact, the waters of the Carson River shall not be used in areas outside the Carson River Basin.

Article VIII. Walker River Basin

A. Allocations to Present Rights and Uses

1. Except as the rights of the Walker River Irrigation District may be limited by subsections 2 and 3 below, the provisions of the decree in the case of United States v. Walker River Irrigation District, et al., United States District Court for the District of Nevada Equity No. C-125, filed April 15,

1936, as amended by the Order of the Honorable A. F. St. Sure, dated April 24, 1940, hereafter called Decree C-125 are hereby recognized and confirmed.

2. The rights of the Walker River Irrigation District to store water of the West Walker River in Topaz Reservoir with a storage capacity of 59,000 acre-feet, under Part VIII of Decree C-125 and under any other basis of right, and to use such water, are hereby recognized and confirmed, subject to the following:

(a) The maximum quantity of water which can be diverted annually to storage is 85,000 acre-feet. No more than 85,000 acre-feet of water less reservoir evaporation can be rediverted for use within the district annually. The 85,000 acre-feet amount so allowed to be diverted to storage and rediverted to use include water used under direct diversion rights in Decree C-125 acquired by said district prior to 1964. For the purpose of this provision "annually" means the period from November 1 through October 31 of the following year.

(b) The maximum rate of diversion to such reservoir under such rights is 1,000 c.f.s.

(c) For the purpose of determining the availability of water to satisfy rights junior to the Topaz Reservoir storage rights of the Walker River Irrigation District, or for division between the states as unused water, water which has been stored, or is available for storage in and can be physically diverted to such reservoir under such reservoir rights but is released or is allowed to pass through the reservoir and is not rediverted to use in Nevada, shall be deemed to have been held in storage; provided, that until a new major storage project is constructed on the West Walker River, the foregoing shall not apply to the extent that said district with the concurrence of the watermaster determines, prior to the release or passing through of such water from Topaz Reservoir in any year, that it is necessary to release or pass through such water in order to provide storage space in Topaz Reservoir as a means of protecting lands in Nevada against flood damage later in the year.

3. The rights of the Walker River Irrigation District to store water of the East Walker River in Bridgeport Reservoir with a storage capacity of 42,000 acre-feet, under Part VIII of Decree C-125 and under any other basis of right, and to use such water, are hereby recognized and confirmed, subject to the following:

(a) The maximum quantity of water which can be diverted to storage in any year is 57,000 acre-feet. No more than 57,000 acre-feet of water less reservoir evaporation can be rediverted for use within the district in any year. The 57,000 acre-feet amounts so allowed to be diverted to storage and rediverted to use include water used under direct diversion rights in said decree acquired by said district prior to 1964 except for water used under such rights prior to 1964 on lands owned by said district in Bridgeport Valley. For the purpose of this provision

"year" means the period from November 1 of one calendar year to October 31 of the following calendar year.

(b) Water of the East Walker River and its tributaries may, adversely to the Bridgeport Reservoir storage rights hereinabove recognized and confirmed, be stored upstream from said reservoir in any year, for later use after the spring flood of the year in which the water was so stored, under rights junior to said reservoir rights; provided, that when the Walker River system is put on priority under Decree C-125 after the annual spring flood, or upon demand made prior to the spring flood for water necessary to satisfy early season demand, the watermaster shall make an accounting and water shall be released from said upstream storage in such amounts as determined by the watermaster to be necessary to satisfy said reservoir rights to the same extent as they would have been satisfied in the absence of said adverse upstream storage.

4. (a) There is allocated to each state respectively the amount of existing diversions and uses of water of the Walker River Basin diverted upstream from Weber Reservoir and not specifically covered in Decree C-125, provided, that this allocation shall not include water distributed under the historical administration of Decree C-125 in excess of the rights set forth in Decree C-125 to lands having rights thereunder. In making this allocation, it is recognized that the amounts of water allocated and the respective priorities are not presently known with certainty. The commission shall as soon as practicable after its effectuation provide for an investigation, either with its own staff or by other agencies or persons, to ascertain with certainty the amounts of water and priorities of such uses. As between the respective states, the priorities shall be determined as follows: In cases of use not under state-recognized rights, the priorities shall be the date of initiation of use; in cases of use under state-recognized rights, the priorities shall be as provided under the law of the state where the diversion is made. Upon approval by the commission, the results of the investigation shall be binding as to the allocation to each state hereunder.

(b) In addition to rights recognized in subsection A.1 of this article there is allocated to Nevada for use on the Walker River Indian Reservation a maximum of 13,000 acre-feet per year for storage in Weber Reservoir and later rediversion to use and in addition 9.450 acre-feet per year to be diverted from natural flow. Both allocations shall have a priority of 1933. The season for diversion of water to storage shall be from November 1 to October 31 of the following year. The season for diversion of water directly for use shall be from March 1 to October 31 and at a maximum rate of 60 cubic feet per second. For the purpose of determining the availability of water to satisfy rights junior to this allocation or for division between the states as unused water, water which has been stored, or which can be physically stored or diverted to use under this allocation but is released or is allowed to pass through Weber Reservoir and is not

rediverted to use on the Walker River Indian Reservation, shall be deemed to have been held in storage or used; provided, that the foregoing shall not apply to the extent that the appropriate representative of said reservation with the concurrence of the watermaster determines prior to the release or passing through of such water from Weber Reservoir in any year, that it is necessary to release or pass through such water in order to provide storage space in Weber Reservoir as a means of protecting lands in Nevada against flood damage later in the year; provided, further, that the foregoing shall not apply to passage of water of inferior quality to the extent that such passage may be necessary to maintain the water of suitable quality for irrigation on said reservation as determined by the commission.

Water of the Walker River and its tributaries may, adversely to the Weber Reservoir storage rights hereinabove recognized and confirmed, be stored upstream from said reservoir in any year, for later use after the spring flood of the year in which the water was so stored, under rights junior to said reservoir rights; provided, that when the Walker River system is put on priority under Decree C-125 after the annual spring flood, or upon demand made prior to the spring flood for water necessary to satisfy early season demand, the watermaster shall make an accounting and water shall be released from said upstream storage in such amounts as determined by the watermaster to be necessary to satisfy said reservoir rights to the same extent as they would have been satisfied in the absence of said adverse upstream storage.

5. In addition to rights recognized in subsections A.1 and A.4(a) above, there is allocated to California water of the West Walker River as follows:

(a) When all direct diversion rights under Decree C-125 are being satisfied and simultaneously water of the West Walker River is being diverted to storage pursuant to the Topaz Reservoir storage rights recognized and confirmed in subsection 2 of this Section A, but there is not flow in excess of that required to fully satisfy Topaz Reservoir storage rights, diversions in Antelope Valley in excess of the amounts to which Antelope Valley lands are entitled under Decree C-125 shall be permitted by the watermaster for such periods and in such amounts as, in the sound professional judgment of the watermaster, will not cause, on an overall irrigation season basis, any discernible net reduction in the amount of water available to satisfy said Topaz Reservoir storage rights.

(b) Such excess diversions may be used only on Antelope Valley lands entitled to water under Decree C-125 which can be served from the ditch systems existing as of the effective date of this compact.

(c) The allocation in this subsection 5 shall terminate after construction of a new major storage project on the West Walker River upstream from Antelope Valley.

B. Allocation of Unused Water

1. The term "unused water" includes all waters of the Walker River and its tributaries in excess of the amounts allocated, or required for satisfaction of rights and uses recognized and confirmed, as provided under Section A of this Article VIII, except that there shall be excluded therefrom natural flow which is not physically available above the head of Mason Valley. There is allocated to the State of California 35 percent of such unused water, and there is allocated to the State of Nevada 65 percent of such unused water. The allocation to each state provided herein in this subsection B.1 shall be equal in priority.

(a) The reregulation by storage of waters allocated for storage shall not be considered as the development of "unused water".

2. Neither state shall be precluded from constructing works for the control, use and development of the water allocated pursuant to subsection B.1 of this article for optimum use of water.

3. While separate development may be undertaken by either state for surface storage of unused water of the West Walker River so allocated, the State Engineer of the State of Nevada and the Department of Water Resources of the State of California shall cooperate in a joint review of all potential developments of unused water of the West Walker River so allocated in subsection B.1 of this Article VIII and shall prepare and present a report of the benefits to be obtained, and other relevant data from each such development to the commission or if the commission has not yet become operative, to the joint commission which negotiated this compact, at a public hearing or hearings held at times and places within the Walker River Basin set by the commission or said joint commission.

(a) Should a separate surface storage project or projects be constructed in Nevada to develop Nevada's share of the unused water of the West Walker River, California may thereafter store and use said unused water allocated to Nevada adverse to such Nevada storage projects, provided that, without charge to Nevada, California makes available for consumptive use in Nevada, water in the same amounts, at the same times, and in the same places as would have been available for use in Nevada from such Nevada storage projects had California not so stored and used said unused water allocated to Nevada; and provided further that Nevada shall not be deprived of water required for: (1) maintenance of a minimum reservoir level for the preservation of fish life and (2) nonconsumptive uses which are found by the commission to be in the public interest of the Walker River Basin as a whole.

(b) From time to time after construction of each surface storage project upstream from Topaz Reservoir, for development of the unused water allocated herein, the commission shall determine the amounts of water which may be diverted and used in each state pursuant to its allocation as the result of the construction and operation of such project. In making such

determination the commission shall compute any increase of yield of previously constructed reservoirs which may result from operation of such project constructed to develop unused water and shall include such increase in the amounts of water which may be diverted and used in each of the two states pursuant to its allocation of unused water.

4. Return flow to the Walker River or its tributaries from any source shall be deemed to be natural flow.

5. Unused water shall be used only:

(a) Within the Walker River Basin;

(b) Within the portion of Artesia Lake Basin south of the northern township line of Tier 12 North and west of a line one mile east of the eastern range line of Range 23 East, Mount Diablo Base Line and Meridian;

(c) Within the portion of Mason Valley and Adrian Valley south of the northern township line of Tier 15 North, Mount Diablo Base Line;

(d) Within the area tributary to Topaz Lake; or

(e) Any combination of the above areas.

C. Watermaster

1. A single watermaster shall have the responsibility and power to administer: (a) all rights and uses of water of the Walker River Basin recognized in Section A of this Article VIII, including rights under Decree C-125, (b) the allocation between the states provided for in this compact of water of the Walker River Basin in excess of that necessary to satisfy such rights and uses, and (c) all rights acquired to use water so allocated.

2. The watermaster shall be nominated by the commission as soon as practicable after this compact goes into effect, but his appointment shall not become effective until approved and confirmed by the Federal District Court for the District of Nevada, it being the intent of this compact that only a person satisfactory to both the commission and said court be the watermaster under this compact and under Decree C-125. At any time either the commission or said court may terminate the appointment of the person serving as watermaster by adopting an appropriate resolution or order, and notifying the other and the watermaster thereof. When a vacancy occurs by such action or by the death or resignation of the person serving as watermaster, a successor shall be selected by the same procedure as provided for the original appointment.

3. Until appointment of the watermaster becomes effective by approval and confirmation of said court, either as to the original selection of the watermaster or subsequent selections to fill a vacancy, a person designated by the commission shall have interim responsibility and power to administer the allocation between the states referred to in subsection 1(b) above and all rights and uses other than the rights under Decree C-125, and the rights and uses under Decree C-125 shall be administered on an interim basis as may be provided by said court.

4. Actions and decisions of the watermaster as to the administration of the rights under Decree C-125 shall be subject to review and modification by said court. Actions and decisions of the watermaster as to the administration of the allocation between the states referred to in subsection 1(b) above and of all rights and uses other than rights under Decree C-125 shall be subject to review and modification by the commission.

5. Said court is requested to appoint a six-member advisory board composed of one person each representing: (1) the East Walker River Basin in California, (2) the West Walker River Basin in California, (3) the East Walker River Basin in Nevada, (4) the West Walker River Basin in Nevada, (5) the Main Walker River Basin in Nevada, and (6) the Walker River Indian Reservation. The watermaster shall prepare an annual budget of proposed expenditures for personnel, equipment, supplies, and other purposes deemed by him to be necessary to carry out his functions. In the formulation of said budget the watermaster shall consult with said advisory board. In the event that said advisory board is not in agreement with the budget proposed by the watermaster, it shall so advise said court. Said budget shall require approval of both the commission and said court to become effective.

6. The expenditures attributable to administration of the rights under Decree C-125 shall be apportioned and collected in accordance with orders of said court. The expenditures attributable to administration of all other rights and uses of the water of the Walker River Basin under this compact shall be equitably apportioned among, and collected from, the users thereof by the watermaster under rules and regulations of the commission, and the commission shall have the power to enforce collection thereof by any reasonable means, including court action in any state or federal court of appropriate jurisdiction. The expenditures attributable to administering the allocation between the states referred to in subsection 1(b) above shall be borne by the commission as part of the expense under Article IV, subsection B.1 of this compact.

Article IX. Ground Water and Springs

A. Development and Use of Ground Water

1. Both states shall have the right to develop and use ground water within their respective boundaries; provided that development and use of ground water in one state shall not reduce the amount of water which the other state would have received under the allocation herein if ground water were not developed and used.

2. In the development and use of ground water pursuant to this article, wells or other methods of collecting underground water shall be constructed in a manner which will assure that water will not be drawn directly from allocated surface water. In the absence of proof to the contrary made to the commission,

wells drilled within 500 feet from any perennial streams which are not sealed from the surface to a depth of at least 50 feet shall be deemed prima facie to draw directly from allocated surface water.

B. Each state shall have the right to use water from springs; provided that the use of water from springs in one state shall not reduce the amount of water which the other state would have received under the allocations herein if water from springs were not used.

C. Effect on Allocations

1. The commission shall have authority to take such action as it deems appropriate, so that the allocations of water made by this compact to either state shall not be adversely affected by ground water withdrawals or use of water from springs in the other state.

2. If either state claims that the development and use of ground water or water from springs in the other state reduces the amount of water which said state would have received under its allocation if such ground water or water from springs were not developed and used, it may file a protest with the commission in accordance with the rules of the commission. The commission is empowered to receive evidence on any protest and make its ruling thereon.

Article X. Interbasin Transfers of Use

Either state may use directly, by exchange, or otherwise its allocated waters of the Truckee River in the Lake Tahoe Basin or the Carson River Basin, or its allocated waters of the Carson River in the Lake Tahoe Basin or the Truckee River Basin. The commission shall have authority to take such action as it deems appropriate so that the allocations of water made by this compact to either state shall not be adversely affected by such use in the other state.

Nothing herein shall preclude the use of Lake Tahoe as a physical facility to accomplish the use of Truckee River waters in the Carson River watershed or Carson River waters in the Truckee River watershed, but in no event shall the use of Lake Tahoe as such a physical facility be inconsistent with any provision of Article V of the compact.

Article XI. Suppression of Evaporation

A. Either state is entitled, but not obligated to participate in any project for the conservation of water through the suppression of evaporation. The yield of any such project shall be allocated to each state by the commission in such proportion as shall be determined by the commission, taking into consideration such factors as the commission deems pertinent. Such allocation of yield to each state shall be in addition to the waters allocated to each state by other provisions of this compact.

B. Subject to the power of the commission to allocate the

increased yield resulting from suppression of evaporation as set forth above, no existing property right shall be adversely affected except by agreement with the owner, or as may be otherwise permitted by state law. Nothing herein shall diminish or supersede any law of either state regarding water quality, including but not limited to conditions affecting fish and wildlife.

Article XII. Coordination of Reservoirs

A. The commission shall have the authority to prepare plans for the coordination of reservoirs and the method of implementation of any such plans prepared, and to approve the same and to review and revise such approved plans from time to time as the commission may deem appropriate. Prior to the preparation of any such plan and implementation or review or revision thereof, the owners of all reservoirs to be affected thereby shall be given the opportunity of participating in such preparation, review, or revision.

B. Prior to the approval thereof, the commission shall provide for public hearings concerning such a plan, review, or revision upon such notice as the commission deems appropriate.

C. Any owner of a reservoir shall have the right to refuse to participate in any such plan, or method of implementation, or review or revision thereof, and in such event such reservoir shall be excluded therefrom, and any plan or implementation or review or revision concerning other reservoirs as may be approved shall not adversely affect the use of the reservoir or the right to the use of water therefrom, which has been excluded.

D. Owners of reservoirs may develop plans for coordination thereof, but shall give written notice to the commission at least 60 days prior to their implementation.

Article XIII. Fish, Wildlife, and Recreation

The use of waters for preservation, protection, and enhancement of fish, wildlife, and recreation is hereby recognized as an inseparable part of the public interest in the use of the waters of Lake Tahoe, Truckee, Carson and Walker River Basins in both states, and is, therefore, beneficial.

Article XIV. Nonconsumptive Use

Each state may use water for nonconsumptive purposes, including but not limited to flood control, recreation, fishery and wildlife maintenance and enhancement, and hydroelectric power generation, provided that such uses result in no discernible reduction in the water allocated to the other state.

Article XV. Diversion and Exchange of Yield From Future Reservoirs

Upon the construction of a surface storage project or projects to store unused water herein allocated, users who become entitled to the yield therefrom may, at any point where water is physically available, divert water to use subject to approval of the commission and conditioned upon providing water in exchange for such diverted water as directed by the commission, so that other users, including owners of reservoir storage or owners of interest in waters stored, receive their entitlement of water in time, place, and quality the same as if the diversion and exchange had not been made.

Article XVI. Change of Point of Diversion, Manner, Purpose, or Place of Use

Any change of point of diversion or of manner, purpose or place of use of the waters of the Carson, Truckee or Walker River Basins may be made in either state pursuant to state law or applicable court decree, provided that such change shall not adversely affect the allocation of water to the other state. Either state, if permitted by state law, may permit a change to other use of water formerly consumed by natural subirrigation on meadows. It shall be the duty of each state to initiate proceedings before the commission if it believes that such change in the other state would adversely affect its allocation. In the event of the initiation of such a proceeding a commission hearing shall be held and the person desiring the change shall have the burden of establishing that such change would not adversely affect the allocation to the complaining state. In the event the person desiring the change does not establish that such change would not adversely affect the allocation to the complaining state, the commission shall enter such order as it deems appropriate to assure that the allocation to the complaining state is not adversely affected.

Article XVII. Imported Water

The provisions of this compact respecting allocation of water are applicable solely to the waters of the Truckee, Carson, and Walker River Basins and the Lake Tahoe Basin. To the extent that either state imports into the Truckee, Carson or Walker River Basins or the Lake Tahoe Basin water from another river or source the state making the importation shall have the exclusive use of such imported water unless by written agreement between the states it is otherwise provided. Nothing herein shall preclude either state from using such imported water as replacement or exchange water to meet such conditions as may be imposed by the commission pursuant to the provisions of this compact.

Article XVIII. Compact Effect

A. Each state and all persons using, claiming, or in any manner asserting any right to the use of the waters of Lake Tahoe, Truckee River, Carson River, and Walker River Basins, shall be subject to the terms of this compact.

B. The provisions of this compact shall be self-executing and shall by operation of law be conditions of the various state permits, licenses, or other authorizations relating to the waters of Lake Tahoe, Truckee River, Carson River and Walker River Basins.

C. Nothing in this compact shall abridge, limit or derogate against any claim or right of anyone to the use of water in either state within the allocations to such state that could or may be made or established under state or federal law had this compact not been adopted; provided, that the place of use, under any such right, of water from any of the four basins covered by this compact shall be limited to such basin or such other areas outside such basin as are permissible places of use of water from such basin under this compact.

D. Nothing in this compact shall be construed as granting to any person or entity the right to divert, store, or use water.

Article XIX. Violations

A. Violations or threatened violations of any of the provisions of this compact which come to the attention of the commission shall be promptly investigated by it. If after such investigation the commission determines further action is necessary it may take such action as it deems advisable including, but not limited to, the commencement of an action injunctive or otherwise in its own name in any court of general jurisdiction of the state where the violation has occurred or is threatened, or the United States District Court for the district where said violation has occurred or is threatened, or if it is determined by the commission appropriate to do so, refer the matter with its recommendations, if any, to an appropriate federal, state, or local official or agency or board for action.

B. In any action concerned with any matter in which the commission has made a decision, the findings of the commission shall constitute prima facie evidence of the facts found.

Article XX. Recourse to Courts

Nothing in this compact shall be construed to limit or prevent either state or any person or entity from instituting or maintaining any action or proceeding, legal or equitable, in any court of competent jurisdiction for the protection of any right under this compact or the enforcement of its provisions, provided that in all matters in which the commission is given jurisdiction by this compact to make a decision no such court action shall be commenced until the matter has been submitted

to the commission for decision and decided by it, unless a decision by the commission has been unreasonably delayed.

Article XXI. Nonimpairment of Rights of United States

Except as provided in Article XXII nothing in this compact shall be construed as:

A. Affecting the obligations of the United States to the Indians and Indian tribes, or any right owned or held by or for Indians or Indian tribes which is subject to the jurisdiction of the United States.

B. Affecting any rights or powers of the United States of America, its agencies or instrumentalities in or to the waters of the Truckee, Carson, or Walker River Basins or the Lake Tahoe Basin, or its capacity to acquire rights in and to the use of said waters.

C. Subjecting any property of the United States, its agencies or instrumentalities to taxation by either state or subdivision thereof.

D. Subjecting any property of the United States of America, its agencies or instrumentalities to the laws of any state to an extent other than the extent to which such laws would apply without regard to this compact.

Article XXII. Ratification and Consent

This compact shall become effective when, but only if,

(1) It shall have been ratified by acts of the Legislature of each of the States of California and Nevada;

(2) It shall have been consented to by act of Congress of the United States; and

(3) Congress provides in its consent legislation or by separate legislation that the following provisions of the compact shall be binding on the agencies, wards, and instrumentalities of the United States of America:

Article V, Section D
Article V, Section F
Article VI, Subsection B.1
Article VI, Subsection B.3
Article VI, Subsection B.4
Article VI, Section D
Article VII, Section A
Article VII, Section B
Article VII, Section C
Article VII, Section D
Article VII, Section E
Article VIII, Subsection A.4(b)
Article VIII, Subsection B.1
Article VIII, Subsection B.5

Article XXIII. Termination

This compact may be terminated any time by legislative consent of both states, but notwithstanding such termination all rights then established hereunder or recognized hereby shall continue to be recognized as valid.

In witness whereof the commissioners have executed six counterparts hereof, each of which shall be and does constitute an original and one shall be deposited with the Administrator of General Services of the United States of America, and two of which shall be forwarded to the Governor of each signatory state, and one of which shall be made a part of the permanent records of the California-Nevada Compact Commission.

CHAPTER 1481

An act to add Section 1374 to the Penal Code, relating to defendants.

[Approved by Governor September 19, 1970. Filed with Secretary of State September 19, 1970.]

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

SECTION 1. Section 1374 is added to the Penal Code, to read:

1374. If the superintendent of a state hospital is of the opinion that a defendant who has been committed to the hospital pursuant to Section 1370 is insane but has improved to such an extent that he is no longer a menace to the health and safety of others and will benefit from leaves of absence from the hospital, he may petition the court which committed the defendant for permission to grant leaves of absence to the defendant. If the court approves the petition, the superintendent may grant leaves of absence to the defendant under the same general terms and conditions as applied to leaves of absence granted to mentally disordered persons committed to state hospitals.

CHAPTER 1482

An act to amend Sections 35781, 35783, and 35893 of, and to add Section 35783.1 to, the Agricultural Code, relating to milk.

[Approved by Governor September 19, 1970. Filed with Secretary of State September 19, 1970.]

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

SECTION 1. Section 35781 of the Agricultural Code is amended to read:

35781. Except as otherwise provided in this article, market milk shall not contain:

(a) More than 15,000 bacteria per milliliter if to be sold as raw milk to the consumer.

(b) More than 50,000 bacteria per milliliter if to be sold as raw milk for pasteurization or more than 750 bacteria per milliliter after having been subjected to laboratory pasteurization which has a time-temperature equivalent to that required in Section 34001 before pasteurization.

(c) More than 15,000 bacteria per milliliter or more than 10 coliform bacteria per milliliter at time of delivery to the consumer, if pasteurized.

(d) More than 750 coliform bacteria per milliliter in raw milk for pasteurization. Samples shall be taken while the milk is on the premises of the producer.

(e) The director may by regulation require different standards for raw market milk for pasteurization from the standards in this section if he determines after administrative hearing that such standards are necessary to protect or improve milk quality.

SEC. 2. Section 35783 of the Agricultural Code is amended to read:

35783. Market milk for pasteurization shall be cooled to 50 degrees Fahrenheit or below and shall be maintained in transit at not to exceed 52 degrees Fahrenheit. On or before January 1, 1972, all market milk dairies shall provide sufficient refrigeration capacity to reduce the temperature of the milk to 50 degrees Fahrenheit or below, as indicated by a recording thermometer, within one hour after completion of the first milking, or five hours after the beginning of milking, whichever is first, and to maintain it at such temperature until delivery. The director shall promulgate regulations to provide for emergencies that may occur as a result of equipment failure.

SEC. 3. Section 35783.1 is added to the Agricultural Code to read:

35783.1. On or before January 1, 1972, a recording thermometer shall be installed in each dairy farm milk storage tank used to cool or store raw market milk for pasteurization during the milking process. If a farm pickup tanker is used in lieu of a dairy farm tank then the recording thermometer shall be installed in the pipeline following the cooling device. Nothing in this section shall be construed as meaning that a recording thermometer must be attached when milk tankers are moved over the road. The director shall issue regulations providing standards for such thermometer including installation and operation.

SEC. 4. Section 35893 of the Agricultural Code is amended to read:

35893. Milk for grade A pasteurized milk is market milk which conforms to all the following minimum requirements:

(a) The health of the cows or goats shall be determined at

least once in six months by an official representative of an approved milk inspection service, or a milk inspection service which is established by the director.

(b) The milk shall be cooled immediately after being drawn from the cow or goat to 50 degrees Fahrenheit or less and maintained in transit at not to exceed 52 degrees Fahrenheit.

(c) It shall be produced on dairy farms that score not less than 80 percent on the dairy farm scorecard which is adopted by the director.

(d) Shall meet the standards of Section 35781 or the regulation adopted pursuant thereto.

CHAPTER 1483

An act to amend Section 1804.3 of the Civil Code, relating to retail installment sales.

[Approved by Governor September 19, 1970. Filed with Secretary of State September 19, 1970.]

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

SECTION 1. Section 1804.3 of the Civil Code is amended to read:

1804.3. (a) No contract other than one for services shall provide for a lien on any goods theretofore fully paid for or which have not been sold by the seller.

(b) Any contract for goods which provides for a lien on real property where the goods sold are not to be attached to the real property shall be a violation of this chapter and subject to the penalties set forth in Article 12.2 (commencing with Section 1812.6) of Chapter 1 of Title 2 of Part 4 of Division 3.

CHAPTER 1484

An act to amend Section 11457 of, and to add Section 11459 to, the Welfare and Institutions Code, relating to public assistance.

[Approved by Governor September 19, 1970. Filed with Secretary of State September 19, 1970.]

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

SECTION 1. Section 11457 of the Welfare and Institutions Code is amended to read:

11457. Fines, penalties or forfeitures imposed under Section 270d of the Penal Code shall be deposited in the general fund of the county treasury and shall not be taken into account in determining the amount of aid to be paid. Payment for child support made by or collected in any way from absent

parents, will be taken into account in determining the amount of aid to be paid.

Money from absent parents for support of a needy child, when collected by or paid through any public officer or agency, shall be transmitted to the county department providing aid to be used for the support of the child. All absent parents' payments or collections available to the county department for support of the child shall be applied first to support for the calendar month following receipt by the county department, and any balance remaining shall either be applied against future needs or be treated as reimbursement for past support furnished from public assistance funds.

The balance of funds which are treated as reimbursement for past support are to be apportioned according to the sharing of aid; provided, however, that any amount which would otherwise be apportioned to the State of California shall be retained by the county to offset county costs of collection of support payments from absent parents and to offset costs of welfare fraud investigations.

SEC. 2. Section 11459 is added to the Welfare and Institutions Code, to read:

11459. Out of restitution secured by the county from any person for aid improperly obtained, the county is entitled to retain such amounts as are necessary to offset the cost of collecting such restitution.

CHAPTER 1485

An act to grant service credit for service with the United Service Organizations to retirants of the State Teachers' Retirement System.

[Approved by Governor September 19, 1970 Filed with Secretary of State September 19, 1970]

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

SECTION 1. A retirant of the State Teachers' Retirement System shall receive credit for time served in the full-time paid service of the United Service Organizations, as provided in Section 13994 of the Education Code with respect to service in the American Red Cross if he had five or more years of service with the United Service Organizations and provided he makes contributions as specified in Section 14040 of the Education Code with respect to service in the American Red Cross.

The provisions of this act shall not be operative after July 1, 1971.

CHAPTER 1486

An act to add Chapter 2.5 (commencing with Section 11919) to Division 10.5 of the Health and Safety Code, relating to restricted dangerous drugs.

[Approved by Governor September 19, 1970. Filed with Secretary of State September 19, 1970.]

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

SECTION 1. Chapter 2.5 (commencing with Section 11919) is added to Division 10.5 of the Health and Safety Code, to read:

CHAPTER 2.5. SALE OR OTHER DISTRIBUTION

11919. Notwithstanding any other provision of law, no restricted dangerous drug, in solid or capsule form, shall be sold, furnished, or distributed in this state unless it has on the drug if in solid form, or on the capsule if in capsule form, an identifying device, insignia, or mark of the manufacturer of such drug.

This section shall not apply to a pharmacist who, in accordance with applicable state law, compounds such restricted dangerous drug in the course of his practice as a pharmacist for direct dispensing by him upon a prescription of any person licensed to prescribe such restricted dangerous drugs.

SEC. 2. This act shall become operative on July 1, 1971.

CHAPTER 1487

An act to amend Section 5503 of the Streets and Highways Code, relating to property tax assessments.

[Approved by Governor September 19, 1970. Filed with Secretary of State September 19, 1970.]

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

SECTION 1. Section 5503 of the Streets and Highways Code is amended to read:

5503. The superintendent of streets shall, upon the entering of a decree of court directing a reassessment or upon the making of an order by the legislative body directing a reassessment, proceed to make a reassessment in the following manner:

(a) If the reassessment is a partial one only, then it shall not be necessary for the diagram to show any other lots than the ones covered by such partial reassessment.

(b) If it is a full reassessment, the superintendent of streets shall prepare and file with the reassessment a diagram showing the lots or parcels of land deemed by him to have been benefited by the work. The reassessment shall assess upon and

against each of the lots or parcels of land contained therein an amount arrived at as follows:

The benefits derived, or to be derived, by each of the lots or parcels of land from the work estimated as of the date of the filing in the clerk's office of the original assessment shall first be listed. Then there shall be added thereto interest thereon from 30 days after the date of such filing of the original assessment at the rate of 7 percent per annum, and the total sum shall constitute and be the amount of the proposed several assessments in such reassessment. The total of such reassessment, however, exclusive of interest, shall not exceed the cost and expenses of the work.

In the event such reassessment is not confirmed within seven months of the date of filing in the clerk's office of the original assessment, the legislative body shall pay from its general funds the 7 percent interest added to the cost and expenses of the work in accordance with this section, plus the incidental expenses of such reassessment in the event that a reassessment is made.

CHAPTER 1488

An act to add Chapter 7 (commencing with Section 1000.1) to Division 4 of the Military and Veterans Code, relating to veterans' benefits, and making an appropriation therefor.

[Approved by Governor September 19, 1970 Filed with Secretary of State September 19, 1970]

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

SECTION 1. Chapter 7 (commencing with Section 1000.1) is added to Division 4 of the Military and Veterans Code, to read:

CHAPTER 7. VETERANS' REVENUE DEBENTURE ACT OF 1970

Article 1. General Provisions

1000.1. This chapter may be cited as the Veterans' Revenue Debenture Act of 1970.

1000.2. The following terms, wherever used or referred to in this chapter, shall have the following meanings, respectively, unless a different meaning appears from the context:

(a) "Department" means the Department of Veterans Affairs of the State of California, as the same is constituted by the provisions of Section 63 of this code, and any successor to such office.

(b) "Veterans' Debenture Finance Committee" means the committee constituted pursuant to the provisions of Section 1000.3 of this code.

(c) "Debenture" means any written evidence of any obligation issued by the department pursuant to this chapter, payment of which is secured by a pledge of revenues, as provided in this chapter, irrespective of the form of such obligation.

(d) "Debenture holder" means any person who shall be the bearer of any outstanding debenture registered to bearer not registered, or the registered owner of any outstanding debenture which shall at the time be registered other than to bearer.

(e) "Veteran" shall have the meaning set forth in Section 980 of this code.

(f) "Pledged contracts" means contracts of sale entered into by the department and veterans covering any property purchased or acquired by the department from the proceeds of debentures as may be provided in any resolution of issuance and to the extent therein provided.

(g) "Surplus money" means funds not required to meet any immediate demand which has accrued against the Veterans' Farm and Home Building Fund of 1943 without regard to fiscal years.

(h) "Revenues" means all income and receipts of the department from the pledged contracts, including, without limiting the generality of the foregoing, all payments received on account of the selling price, interest thereon, expenses and all other charges added to the selling price, insurance proceeds collected on account of loss, damage or injury to the property, life insurance or disability insurance proceeds received by the department, and all other receipts of whatsoever kind or nature arising out of or incident to the pledged contracts.

The term "revenues" also includes all interest or other income from any investment of any moneys in any fund established under a resolution of issuance for the payment of the principal of, or interest or premium on, debentures.

(i) "Resolution of issuance" means a resolution of the department, approved by the Veterans' Debenture Finance Committee, pursuant to which debentures are issued, and any amendatory or supplemental resolutions.

(j) "Person" means any individual, firm, corporation, association, partnership, trust, business trust, or receiver or trustee or conservator for any thereof, but does not include this state or any public corporation, political subdivision, city, county, district or agency of this state.

1000.3. There is hereby created a Veterans' Debenture Finance Committee composed of the Governor, the State Controller, the State Treasurer, the Director of Finance, and the Director of Veterans Affairs, each of whom shall serve thereon without compensation and a majority of whom shall be empowered to act for such committee.

Article 2. Authorization and Issuance of Debentures

1001 1. Debentures may be issued by the department at such times and in such amounts not to exceed fifty million dollars ($50,000,000) in the aggregate as the department, with

the approval of the Veterans' Debenture Finance Committee, may determine. The issuance of debentures shall be authorized by a resolution of issuance adopted as in this chapter provided.

1001.2. Whenever the department determines that debentures should be issued, it shall adopt a resolution of issuance, which shall be executed for the department by the Director of Veterans Affairs. Each resolution of issuance so adopted by the department shall be submitted to the Veterans' Debenture Finance Committee, which shall consider and approve or disapprove any resolution of issuance so submitted. Upon such approval, by a resolution adopted by a majority of the members of the Veterans' Debenture Finance Committee, the resolution of issuance shall become effective and the State Treasurer shall cause the debentures authorized thereunder to be prepared in accordance with the terms of the resolution of issuance.

1001.3. Debentures shall be issued in the name of the Department of Veterans Affairs of the State of California and as the obligation of the department, but neither the principal of, nor the interest on, any debentures shall be or become a lien, charge or liability against the State of California, the department or the Veterans' Debenture Finance Committee, or against the property or funds of any of them, except to the extent of the pledge of revenues as may be provided by the resolution of issuance pursuant to which such debentures are issued. Every debenture shall contain a recital substantially as follows: "This debenture is a special obligation of the Department of Veterans Affairs of the State of California, and is not a lien, charge or liability against the State of California, or against the Department of Veterans Affairs or against the property or funds of either, except only to the extent of the pledge of revenues or part of revenues as provided in the resolution. The holder of this debenture cannot compel the exercise of the taxing power of the State of California or the forfeiture of its property to pay this debenture or the interest thereon."

1001.4. All debentures shall bear the facsimile signature of the Director of Veterans Affairs and the State Controller and shall be endorsed by the State Treasurer either by original signature or by signature stamp. The Great Seal of the State of California shall be impressed, mechanically reproduced or imprinted by facsimile upon each debenture. The interest coupons attached to any debenture shall bear a facsimile of the signature of the State Treasurer. In case any such official whose signature or countersignature appears on the debentures or coupons shall cease to be such official before the debentures so signed or countersigned shall have been actually executed or delivered, such signature or countersignature shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until the delivery of the debentures, and such debentures and coupons shall be

issued and shall be as binding upon the department as though the person who signed such debentures or coupons had been such official on the date borne by the debentures or coupons and on the date of delivery. Any such debentures may be signed and sealed on behalf of the department by such person as at the actual date of execution of such debentures shall be the Director of Veterans Affairs or the State Treasurer or the State Controller, as the case may be, although on such date as may be borne by such debentures any such person shall not have been such official.

1001.5. The validity of the authorization and issuance of any debentures shall not be dependent on or affected by the validity or regularity of any proceedings relating to the expenditure of the proceeds thereof.

1001.6. Reference on the face of any debentures to a resolution of issuance by its date of adoption, or the apparent date on the face thereof, shall be sufficient to incorporate all of the provisions thereof and of this chapter into the body of the debentures and their appurtenant coupons. Each taker and subsequent holder of the debentures or coupons, whether the coupons are attached to or detached from the debentures, shall have recourse to all of the provisions of the resolution of issuance and of this chapter, and shall be bound thereby.

Article 3. Provisions of Resolutions of Issuance and Supplemental Resolutions

1002.1. A resolution of issuance may provide for the issuance of debentures in one or more series and for the aggregate principal amount of any series thereof. Any series of debentures may consist of serial debentures or of term debentures with sinking fund requirements or partially of serial debentures and partially of term debentures with sinking fund requirements. A resolution of issuance may provide for such supplemental resolutions of issuance as may from time to time be required to fix and determine the terms and conditions of each series of debentures.

1002.2. A resolution of issuance may provide for the dates to be borne by debentures, and by each series, issued thereunder and for the dates of maturity thereof.

1002.3. A resolution of issuance may provide for the payment of interest on debentures annually or semiannually or in part annually and in part semiannually, upon such dates and at such rates as may be provided for by the Veterans' Debenture Finance Committee. The first interest payment may be at any time on or before one year from the date of the debenture.

1002.4. A resolution of issuance may provide for the call and redemption of debentures issued thereunder, upon such terms, conditions and notice, and upon the payment of such premium, as may be fixed in said resolution. No debenture 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 debenture.

1002.5. A resolution of issuance may provide for the forms, denominations, registration, transfer and interchange of debentures issued thereunder. Debentures may be issued as coupon debentures or as registered debentures in any denomination or denominations authorized by the resolution of issuance. A resolution of issuance may provide for the interchange of coupon debentures for registered debentures and of registered debentures for coupon debentures, and may provide for the registration of coupon debentures as to principal only or as to both principal and interest. Debentures of different denominations, in either coupon or registered form, may be made exchangeable for debentures of an equal aggregate principal amount, but of different denominations upon such terms as may be provided in the resolution of issuance.

1002.6. A resolution of issuance may provide for the replacement of lost, destroyed or mutilated debentures or coupons.

1002.7. A resolution of issuance may provide for the issuance of temporary or interim debentures, certificates or receipts pending the preparation and delivery of definitive debentures. Such temporary or interim debentures, certificates or receipts may be of any denomination and with or without coupons.

1002.8. A resolution of issuance may provide for the payment of the principal and interest of debentures at any place within or without the State of California and in specified coin or currency of the United States and may include a covenant to maintain, in each city in which any outstanding debentures shall be expressed to be payable, an office or agency where such debentures and interest coupons thereon may be presented for payment.

1002.9. A resolution of issuance shall provide the means by which payments of principal and interest of debentures shall be secured.

1002.10. A resolution of issuance may include a provision requiring the department to pay or cause to be paid punctually the principal of all debentures issued thereunder and the interest thereon, on the dates, at the places and in the manner provided in such debentures and in the coupons appertaining thereto.

1002.11. A resolution of issuance may include a provision requiring the department to preserve and protect the security of the debentures and the rights of the holders thereof and to warrant and defend such rights.

1002.12. A resolution of issuance may include provisions which limit, restrict or prohibit any right, power or privilege of the department to create or give any mortgage, lien or pledge on any personal or real property acquired by the department out of moneys in the Veterans' Farm and Home Building Fund of 1970, or upon the pledged contracts or upon any other revenues.

1002.13. A resolution of issuance may include provisions requiring, specifying or limiting the kind, amount and character of insurance to be maintained by the department on any property under the jurisdiction of the department and the use and disposition of the proceeds of any such insurance thereafter collected.

1002.14. A resolution of issuance may include a provision requiring the department to charge a uniform rate of interest on the unpaid balance of the purchase price of any and all properties acquired by the department and sold to veterans under this act.

1002.15. A resolution of issuance may include provisions requiring the department to hold or cause to be held in trust the revenues, or any part of the revenues, pledged to the payment of debentures and the interest thereon, and to apply or cause to be applied revenues or such part of revenues, only as provided in the resolution of issuance.

1002.16. A resolution of issuance may include provisions defining the power of the department in applying the proceeds of the sale of any debentures.

1002.17. A resolution of issuance may include a provision authorizing, or limiting the power of, the department to issue additional debentures and establishing the terms and conditions upon which additional debentures may be issued.

1002.18. A resolution of issuance may include a clause providing the events of default and the terms and conditions upon which any or all of the debentures 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.

1002.19. A resolution of issuance may include provisions establishing the rights, powers and duties arising upon breach by the department of any of the covenants, conditions or obligations contained therein.

1002.20. A resolution of issuance may include provisions prescribing a procedure by which the terms and conditions of the resolution may be subsequently amended or modified with the consent of the department and the Veterans' Debenture Finance Committee and the vote or written consent of the holders of a specified principal amount or specified proportion of the debentures issued and outstanding. Such provisions may include provisions for meetings of debenture holders and for the manner in which the consent of the debenture holders may be given. A resolution of issuance may provide that debentures held by the department or by the State of California or any political subdivision, public corporation or agency thereof shall not be counted as outstanding debentures or be entitled to vote or consent, but shall nevertheless be subject to any such modification or amendment.

1002.21. A resolution of issuance may provide that the debentures issued thereunder and the interest thereon shall be secured by all or part of the revenues, and may establish a

lien upon the revenues as the department, with the approval of the Veterans' Debenture Finance Committee, shall determine.

1002.22. A resolution of issuance may include a covenant that the department will duly pay and discharge, or cause to be paid and discharged, any taxes, assessments or other governmental charges lawfully imposed upon any properties owned by or under the jurisdiction of the department, or upon the revenues, as well as any lawful claim for labor, materials or supplies which, if unpaid, might become a lien or charge upon the revenues, or which might impair the security of the debentures.

1002.23. A resolution of issuance may include provisions requiring the preparation, filing and publication of financial statements with respect to the revenues, the funds securing the debentures and the expenses, properties and operations of the department, including provisions for examinations and reports by independent certified public accountants.

1002.24. A resolution of issuance may include a covenant that the department will at all times use its best efforts to maintain the powers, functions, duties and obligations reposed in it pursuant to law at the time of adoption of such resolution, and that it will not at any time voluntarily do, suffer or permit any act or thing, the effect of which would be to hinder, delay or imperil the payment of the indebtedness evidenced by any of the debentures or the performance or observance of any of the covenants contained in such resolution.

1002.25. A resolution of issuance may include provisions requiring, permitting, restricting or governing the deposit and investment of funds established for the security of debentures issued thereunder, and requiring that such deposits be secured or specifying the type of security required for such deposits irrespective of any law authorizing or permitting such deposit or investment of public funds generally.

1002.26. A resolution of issuance may include a covenant that the department will make or adopt and execute, or cause to be made, adopted and executed, any and all such further resolutions, acts, deeds, conveyances, assignments or assurances as may be reasonably required for effectuating the intention of the resolution of issuance and for better assuring and confirming unto the holders of the debentures the rights and benefits provided in the resolution of issuance.

1002.27. A resolution of issuance may include any and all covenants and agreements on the part of the department, and for such other acts or matters which the department, subject to the approval of the Veterans' Debenture Finance Committee, deems necessary or convenient or advisable for the better security of the debentures issued thereunder or to make the debentures more marketable.

1002.28. The resolution of issuance may provide for the appointment of a trustee or fiscal agent, which shall be a bank or trust company duly qualified to do business in this state,

to receive and disburse all the revenues applicable to the payment of the principal of or interest on the bonds, including any reserve fund, sinking fund or other fund established for the further securing of the bonds, and may provide for or authorize the payment of the compensation of such trustee or fiscal agent.

Article 4. Appropriation, Security, Sale, and Funds

1003.1. There is hereby appropriated, from any surplus money in the Veterans' Farm and Home Building Fund of 1943, not required to meet any immediate demand which has accrued against the fund, without regard to fiscal years, the sum of seven million five hundred thousand dollars ($7,500,000) or so much thereof as may be necessary to carry out the provisions of this article, but in no event shall the sum be less than 15 percent of the total amount of all debentures outstanding hereunder. Such sum appropriated shall be held in investments which are convertible into cash within the period of time required to satisfy the current requirements of the Veterans' Debenture Revenue Fund.

1003.2. The revenues shall be pledged first to the payment of the principal of and interest on the debentures and to all funds created for the further security of such debentures. In addition there shall be pledged to the payment of such principal and interest and all other charges, including reserve fund, sinking fund and all other payments required to be made in connection with the debentures, as further security therefor, such portions of the funds appropriated in Section 1003.1 as the Veterans' Debenture Finance Committee shall deem necessary to adequately protect the rights of the debenture holders.

1003.3. In the event of cancellation of any pledged contract or forfeiture or other termination thereof for any cause the department shall, as soon as practicable, enter into a new contract covering the same property and shall substitute the new contract in lieu of the pledged contract so canceled or terminated. The income and receipts of the substituted contract shall be pledged in their entirety to the payment of the debentures.

1003.4. The department shall at all times so long as any of the debentures are outstanding establish, fix and collect interest at such rate or rates on the unpaid balance on all pledged contracts to produce an amount which, together with income derived from investments, will yield revenues which will, in the aggregate, be sufficient with respect to the then immediately ensuing fiscal year to pay and provide for:

(a) Interest to become due and payable in such fiscal year on all debentures;

(b) The principal amount of all serial debentures maturing by their terms during such fiscal year;

(c) The aggregate minimum sinking fund payments, if any, required to be made for such fiscal year on account of debentures then outstanding;

(d) Such sums as may be required as reserve fund payments due in such fiscal year; and

(e) The estimated expenses of maintenance, operation and administration of the department as provided in the budget of the department for such fiscal year;

(f) Such additional aggregate sum as may be provided in any resolution of issuance, but not in excess of 1½ times the interest payments for such fiscal year on all the debentures then outstanding, but not less than 10 percent of the sum represented by the total of amounts designated by subdivisions (a), (b), and (c) of this section.

1003.5. All such interest rates so fixed by the department shall be applicable uniformly to all pledged contracts.

1003.6. All interest and other payments or charges of any kind or character due under any and all such contracts shall be payable in such coin or currency of the United States of America as at the time of payment is legal tender for the payment of public and private debts.

1003.7. All revenues to be received by the department from pledged contracts shall be directly, concurrently and exclusively pledged to the payment of debentures, and all such revenues shall remain so pledged until all of the debentures are fully paid or sufficient funds have been accumulated and are legally available for the payment thereof.

1003.8. The debenture redemption and interest payments and any premium payable upon debentures called for redemption, and all payments required for reserve funds, sinking funds and all other funds created as further security for the debentures constitute a first, direct, and exclusive charge and lien on all revenues of the pledged contracts and the interest or other income derived therefrom. Such revenues, together with any interest or other income earned thereon, and such funds and the interest and income earned thereon, constitute a trust fund for the security and payment of the debentures and shall not be used or pledged for any other purpose or transferred to any other fund as long as any such debentures are outstanding and unpaid.

1003.9. Whenever the State Treasurer finds that the interest rate then fixed and charged by the department on the pledged contracts is not adequate to meet the covenants or requirements of any resolution of issuance he shall notify the Veterans' Debenture Finance Committee, who shall specify the amount of the increased rate of interest to be charged on all pledged contracts. The department shall increase the interest rate on all pledged contracts specified by the Veterans' Debenture Finance Committee. Such increased interest rate on all pledged contracts will take effect on the first day of the second calendar month next succeeding the date of such notification by the State Treasurer and shall remain in effect

until such time as the Veterans' Debenture Finance Committee consents to the reduction thereof. The Veterans' Debenture Finance Committee shall not consent to any reduction in the interest rate then fixed on all outstanding pledged contracts unless:

(a) The revenues in the preceding fiscal year produced by the interest rate then in effect are in excess of all requirements of all resolutions of issuance under which debentures are then outstanding, and

(b) The interest rate so reduced will produce revenues for each subsequent fiscal year while any debentures are outstanding in the aggregate amount required by all resolutions of issuance under which such debentures are outstanding.

1003.10. There is in the State Treasury a revolving fund known as the Veterans' Farm and Home Building Fund of 1970. Proceeds of sale of debentures shall be deposited in this fund. Money may be withdrawn from such fund in accordance with law upon requisition of the department for the purpose of carrying out the Veterans' Farm and Home Purchase Act of 1943.

1003.11. There is in the State Treasury a special fund known as the Veterans' Debenture Revenue Fund. All revenues shall be deposited in the Veterans' Debenture Revenue Fund. All moneys deposited in the Veterans' Debenture Revenue Fund shall be allocated and applied by the State Treasurer only as provided in the appropriate resolution of issuance of the department and separate and apart from all other moneys in the State Treasury. The moneys deposited in the Veterans' Debenture Revenue Fund shall be segregated and applied as provided in the resolution of issuance. The resolution of issuance may provide for the creation of the Veterans' Debenture Interest Fund Account, Veterans' Debenture Principal Fund Account, Veterans' Debenture Sinking Fund, Veterans' Debenture Reserve Fund Account and also any other funds or accounts which will be deemed necessary or desirable for the payment of or further security of debentures. The resolution of issuance establishing such funds may provide for the manner and method of disbursement of such funds, the amounts to be deposited therewith and withdrawn therefrom, the application of any surplus moneys in any such funds to the purchase or redemption of debentures and for the investment of moneys in such funds in particular bonds or obligations which are then made eligible for such investments by the terms of such resolution.

1003.12. The State Controller is hereby authorized to make all necessary orders to provide for the establishment of special funds and accounts authorized by any resolution of issuance and for the transfer of moneys from the Veterans' Debenture Revenue Fund into such account. Such transfer shall be made by the State Treasurer without further action on the part of the department. Neither the department nor the State of California nor any officer thereof shall have or exercise any

rights with respect to the moneys in any of such funds or accounts so established save only in trust for the direct benefit of the holders of debentures.

1003.13. Prior to the issuance of any debentures the department is authorized to deposit in any reserve fund created for the further security of the debentures, as the initial deposit therein, cash or securities equal to the minimum amounts required to be maintained therein by any resolution of issuance. Excess money in the reserve fund or account not required to be maintained therein by the provisions of any resolution of issuance may be withdrawn at the request of the department and transferred to the Veterans' Farm and Home Building Fund of 1970 and used and applied for the purpose of carrying out the Veterans' Farm and Home Purchase Act of 1943.

1003.14. Debentures authorized under any resolution of issuance approved by the Veterans' Debenture Finance Committee shall be sold by the State Treasurer upon the written request of the department at public sale and at such times and in such amounts as the department deems necessary to provide sufficient funds for the purposes for which the debentures are then authorized, provided that the debentures shall not be sold at less than their par value and accrued interest thereon to date of delivery. Successive issues of debentures within the limits of the authorization for the issuance of debentures, in the event any such limitations are included in the proceedings for the issuance of such debentures, shall be equally and regularly secured without preference, priority or distinction as to security or otherwise by reason of time of issue, or sale, except as debentures of various series may differ with respect to dates, numbers, interest rates, maturity, redemption provisions, sinking fund provisions, or otherwise as expressly authorized in any resolution of issuance.

1003.15. In the event the State Treasurer shall determine to sell the debentures, all costs and expenses of publication of notice of sale shall be a charge against the department and shall be paid by the department. The department shall likewise pay the cost of printing, lithographing or otherwise preparing the debentures, the charges of any duly authorized agent of the State Treasurer appointed for the payment of principal and interest of the debentures in any place other than the office of the State Treasurer, any expenses incurred in connection with delivery of the debentures, including the fees and expenses of municipal bond attorneys whose opinion on the validity of the debentures is to be provided by the department without charge to the successful purchaser of the debentures. The department is authorized to employ any nationally known municipal bond attorney or attorneys and the Attorney General for the purpose of rendering legal opinions as to the validity of the debentures to be furnished to the purchaser of the debentures without cost. The department is also authorized to employ or appoint such independent financial consultants,

attorneys, certified public accountants, public accountants, engineers or other independent consultants whose services or opinions are necessary or advisable in connection with the issuance and sale of revenue debentures. Payment for such services shall be made from the proceeds of the sale of the debentures or from any other funds available to the department on Controller's warrant duly drawn for that purpose. Such expenses may also include the cost of delivering debentures at any place other than the office of the State Treasurer, including transportation and insurance costs.

Article 5. Issuance of Refunding Debentures

1004.1. The department subject to the approval of the Veterans' Debenture Finance Committee may provide for the issuance, sale or exchange of refunding debentures for the purpose of redeeming or retiring any debentures issued under this chapter. All provisions of this chapter applicable to the issuance of debentures are applicable to the funding or refunding debentures and to the issuance, sale or exchange thereof. The department with the approval of the Veterans' Debenture Finance Committee may adopt a resolution or resolutions of issuance or supplemental resolutions authorizing the issuance of such refunding debentures and fixing the terms and conditions thereof.

1004.2. Refunding debentures may be issued in a principal amount sufficient to provide funds for the payment of all debentures to be refunded thereby and in addition to the payment of all expenses incident to the calling, retiring or paying of such outstanding debentures and the issuance of such refunding debentures. Such expenses include any amount necessary to be made available for the payment of interest upon such refunding debentures from the date of sale thereof to the date of payment of the debentures to be refunded, or to the date upon which the debentures to be 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 debentures and the interest accruing thereon to the date of the call or retirement.

1004.3. Refunding debentures shall not constitute a debt or obligation of the State of California but shall be debentures of the department of the same character and payable from the same funds as other debentures authorized pursuant to this chapter. Any and all reserve or other funds applicable to the payment of the debentures to be refunded may, if so directed by the department, be transferred to any reserve or other funds provided with respect to the refunding debentures. The pledge of revenues to be received from contracts entered into by the department with veterans shall not be lessened, diminished, or affected in any way by the issuance of such refunding debentures.

1004.4. The department may from time to time or at any time sell or exchange refunding debentures for the purpose

of retiring, paying or refunding either all or part of the outstanding debentures, or of one or more series thereof, as it deems advisable. Such refunding debentures may be issued and delivered as outstanding debentures to be refunded thereby mature or are about to mature or are subject to call or redemption, or if the retirement thereof has been assured by consent of the holders thereof. Refunding debentures may be delivered in whole or in part in exchange for outstanding debentures with the consent of such holders.

Article 6. Remedies of Debenture Holders

1005.1. The holder of any debenture may by mandamus or other appropriate proceedings compel the performance of any of the duties imposed upon any state official or employee or imposed upon the department or its officers, agents or employees with respect to the collection of revenues from pledged contracts entered into by the department with veterans, and the investment and disbursement of the proceeds received from the sale of debentures.

1005.2. The department may in any resolution of issuance define the events of default including among others default in the payment of the principal or interest upon or premium due upon any debentures or default by the department in the observance of any of the covenants, agreements or conditions on its part to be performed under the resolution of issuance and may provide that upon the happening of any such event of default the holders of not less than the majority in aggregate principal amount of the debentures at the time outstanding will be entitled to declare the principal of all of the debentures then outstanding and the interest accrued thereon to be immediately due and payable.

1005.3. The department may provide in any resolution of issuance that the State Treasurer shall constitute a trustee to represent the debenture holders in the exercise and prosecution on their behalf of such rights and remedies as may be available to such debenture holders under any resolution of issuance or under the law under this chapter and in such event the State Treasurer as such trustee shall take such action as may seem appropriate to protect the interests of the debenture holders.

1005.4. Whenever the State Treasurer is acting as trustee by reason of any default, or for the protection of the interests of the debenture holders, the State Treasurer as such trustee, shall take such action as the holders or registered owners of 20 percent in principal amount of all the debentures then outstanding shall request in writing, provided that the State Treasurer as such trustee may request reasonable security before taking any action so requested.

1005.5. No remedy conferred upon or reserved to the holders of debentures is intended to be exclusive of any other remedy or remedies now or hereafter provided by law and

each and every such remedy shall be cumulative and shall be in addition to every other remedy given under this chapter or now or hereafter existing at law or in equity or by statute or otherwise.

1005.6. While any of the debentures remain outstanding the powers, duties or existence of the department and of every other official or agency of the State of California shall not be diminished or impaired in any manner that will adversely affect the interests and rights of the holders of the debentures.

Article 7. Miscellaneous

1006.1. All debentures and the income therefrom are at all times exempt from taxation in the State of California, except for transfer, inheritance, and gift taxes.

1006.2. All debentures shall be legal investments for all trust funds, for the funds of all insurance companies, banks (both commercial and savings), trust companies, state school funds and any pension funds, public or private.

1006.3. Any money or funds which may by law be invested in bonds of the State of California may be invested in debentures.

1006.4. Whenever any bonds of the State of California may by law be used as security for the performance of any act or the deposit of any public money, debentures may be so used.

1006.5. All debentures, subject to the provisions for registration contained therein, are negotiable instruments under the law merchant.

1006.6. The department may include in the proceedings authorizing the issuance of debentures any provisions not inconsistent with this chapter which limit, restrict or regulate the holding, deposit, investment, and application of money consisting of the proceeds from the sale of the debentures or the revenues or other income received from the pledged contracts entered into by the department with veterans, and such provisions shall constitute a contract with the holders of the debentures and shall be binding upon the department and all other officers, officials and agencies of the State of California and upon the state so long as any of the debentures are outstanding.

1006.7. The department may provide in the proceedings authorizing issuance of debentures for the establishment of one or more reserve funds out of the proceeds of the sale of the debentures or out of revenues or out of any moneys or securities available to the department under this act, and may provide for the use and application of any surplus moneys in any such reserve fund.

1006.8. The State Treasurer may sell any of the debentures authorized under this chapter to the United States of America or to any of its departments, agencies or instrumentalities upon such terms and conditions as may be mutually agreed

upon, and the department is specifically authorized to enter into any such agreements, terms and conditions required by the United States of America or any of its departments, agencies or instrumentalities as a condition to the purchase of such debentures.

1006.9. Warrants for the payments to be made on account of the debentures either as to principal, interest, premium, or otherwise, shall be duly drawn by the State Controller, upon the request of the State Treasurer, whenever the drawing of such warrants is required in order to make such payments.

1006.10. Notwithstanding anything contained in this chapter, the proceeds received from the sale of debentures and any revenues received by the department from pledged contracts entered into by the department may be used to defray any expenses incurred by the department or the State Treasurer in connection with and incidental to the issuance and sale of debentures including expenses for preparation, inspections and examinations, surveys and reports, which may be required by the purchasers of debentures, and any legal opinions deemed necessary or advisable by the department in connection with the issuance of debentures except that the proceedings authorizing the issuance of such debentures may contain appropriate provisions governing the use and application of the proceeds from the sale of the debentures or other revenues received by the department for the purposes above specified.

1006.11. This chapter shall be liberally construed to carry out the objects and purposes and the declared public policy of the State of California as in this chapter set forth. The facts with which the Legislature is fully cognizant are:

The State of California is committed to aid and assist veterans under the Veterans' Farm and Home Purchase Act of 1943. Increasing numbers of servicemen who served in Vietnam are being discharged and need home loans. The Cal-Vet loan program must be updated to provide comparable benefits to those provided veterans of World War II and the Korean Conflict. Conditions in the money market render it impracticable for the State of California in conformity with its other commitments to continue to raise funds for veterans' aid through the issuance and sale of general obligation bonds of the state. There is now in the Department of Veterans Affairs a backlog of applications which cannot be processed because funds are inadequate to meet the demand for loans. This act provides another method whereby the State of California will be able to raise the necessary funds for the aid and assistance of veterans through the issuance of revenue debentures payable exclusively from the proceeds of contracts of sale of properties acquired by the department from veterans' revenue debenture proceeds and resold to veterans without imposing any liability upon the State of California and without creating any debt or liability of the State of California. The urgent requirements of veterans and the necessity of raising funds immediately for

their aid and assistance render it essential that this law be adopted.

1006.12. If any section, subdivision, sentence, clause or phrase of this chapter is for any reason held to be unconstitutional or invalid or unenforceable, such decision shall not affect the validity or enforceability of the remaining portions of the chapter. The Legislature hereby declares that it would have passed this chapter and each section, subdivision, sentence, clause and phrase hereof irrespective of the fact that any one or more sections, subdivisions, sentences, clauses and phrases may be declared unconstitutional, invalid or unenforceable.

1006.13. This chapter shall not operate to rescind or repeal any act of the State of California now or hereafter enacted providing for the issuance of general obligation bonds of the State of California for the purpose of financing the Veterans' Farm and Home Purchase Act of 1943 or for purposes similar to those set forth in the Veterans' Farm and Home Purchase Act of 1943 provided such bonds are either payable out of the General Fund of the State of California or the full faith and credit of said state is pledged for the payment of both the principal of and interest thereon.

1006.14. All money in any of the funds created or authorized to be created in any resolution of issuance under the provisions of this chapter is hereby appropriated for expenditure in carrying out the purposes herein and therein provided.

1006.15. The purchaser shall make an initial payment of at least 10 percent of the selling price of the property, in case of a farm, and 5 percent in the case of a home. The department may waive the initial payment in any case where the value of the property as determined by the department appraisal shall be equal to the amount to be paid by the department plus at least 10 percent in the case of a farm, and 5 percent in the case of a home. The balance of the purchase price may be amortized over a period fixed by the department, not exceeding 40 years, together with interest thereon at the rate as determined by the department for such amortization purposes. The department shall establish the actual interest rate to be paid. To this end the department, by two-thirds vote of the California Veterans Board, with the approval of the Veterans' Debenture Finance Committee established by Section 1000.3 of this code, is empowered to establish a uniform rate of interest payable upon the amount remaining unpaid under all pledged veterans' purchase contracts then or thereafter executed. The California Veterans Board and the Veterans' Debenture Finance Committee shall periodically at least once each year make a finding as to the rate of interest to be charged, taking into consideration the requirements of the Veterans' Debenture Revenue Fund created by this chapter, but subject to any covenant contained in any resolution of issuance adopted in accordance with this chapter pursuant to which debentures are at the time outstanding. Subject to any

such covenant, the department may raise or lower the rate of interest payable under such contracts for any given period as many times and as frequently as it deems to be for the best interests of the department, if in so doing its action is made applicable alike to any and all pledged contract holders and 30 days' advance notice is given of the time when the new rate of interest is to become effective. Upon demand of the Veterans' Debenture Finance Committee, given as provided in any resolution of issuance adopted pursuant to this chapter, the department shall increase the rate of interest to be charged upon the amount remaining unpaid upon all pledged veterans' purchase contracts then in existence. A change in the interest rate may affect the total amount of any installment payment. The purchaser on any installment date may pay any or all installments still remaining unpaid. Subject to any covenant contained in any resolution of issuance adopted in accordance with this chapter, and pursuant to which debentures are at the time outstanding, the department may, in any individual case, for good cause postpone from time to time, upon such terms as the department deems proper, the payment of the whole or any part of any installment of the purchase price or interest thereon.

This section is intended to be applicable to all lands acquired from the proceeds of the sale of debentures issued hereunder and to the resale and disposition of such lands to the purchasers thereof and no other provision of law shall be applicable to the purchase or resale of such lands except only as in this act provided.

1006.16. All applications for the benefits contained in this article shall be filed with the department within 10 years from the date of the applicant's discharge from the service.

CHAPTER 1489

An act to amend Section 10751 of the Revenue and Taxation Code, and to add Section 9267 to the Vehicle Code, relating to motor vehicle fees.

[Approved by Governor September 19, 1970. Filed with Secretary of State September 19, 1970.]

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

SECTION 1. Section 10751 of the Revenue and Taxation Code is amended to read:

10751. (a) Except as provided in subdivision (b), a license fee is hereby imposed for the privilege of operating upon the public highways in this state any vehicle of a type which is subject to registration under the Vehicle Code.

(b) The owner of any used vehicle, except a used trailer coach, which the owner purchased during the month of December of any year, shall not be required to pay any li-

cense fee for the year in which the vehicle is purchased, if such owner of the vehicle, at the time of registration as required by Section 9267 of the Vehicle Code, provides a certificate of nonoperation showing that such vehicle was not operated, moved, or left standing on any highway during the first 11 months of such year and pays the required fees for the ensuing year.

SEC. 2. Section 9267 is added to the Vehicle Code, to read:

9267. The owner of any used vehicle, except a used trailer coach, which the owner purchased during the month of December of any year and is to be operated, moved, or left standing on any highway by such owner during the year in which the vehicle is purchased, shall be required to register the vehicle for such year, but shall not be required to pay any registration fees for such year, if the owner of the vehicle, at the time of such registration, provides a certificate of nonoperation showing that such vehicle has not been operated, moved, or left standing on any highway during the first 11 months of such year and pays the required fees for the ensuing year.

CHAPTER 1490

An act to amend Sections 815 and 850 of the Penal Code, relating to warrants, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 19, 1970. Filed with Secretary of State September 19, 1970.]

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

SECTION 1. Section 815 of the Penal Code is amended to read:

815. A warrant of arrest shall specify the name of the defendant or, if it is unknown to the magistrate, judge, justice, or other issuing authority, the defendant may be designated therein by any name. It shall also state the time of issuing it, and the city or county where it is issued, and shall be signed by the magistrate, judge, justice, or other issuing authority issuing it with the title of his office and the name of the court or other issuing agency.

SEC. 2. Section 850 of the Penal Code is amended to read:

850. A telegraphic copy of a warrant or an abstract of a warrant may be sent by telegraph, teletype, or any other electronic devices, to one or more peace officers, and such copy or abstract is as effectual in the hands of any officer, and he shall proceed in the same manner under it, as though he held the original warrant issued by a magistrate or the issuing authority or agency. An abstract of the warrant as herein referred to shall contain the following information: the charge, the court or agency of issuance, the subject's name, address and description, the bail, the name of the issuing magistrate

or authority, whether the offense charged is a felony or misdemeanor, and if a misdemeanor, whether it has been certified for night service, and the warrant number.

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:

Cities and counties of the state are utilizing computers for the processing of warrants of arrest. It is vital to the effective administration of justice that all types of such warrants be subject to such use of available computers. Currently, it is clear that only warrants issued by magistrates are subject to such computer processing. In order to immediately facilitate such computer use to cover warrants issued by others than magistrates, it is vital that this act take immediate effect.

CHAPTER 1491

An act to add Section 12850 to the Education Code, relating to pupil testing programs.

[Approved by Governor September 15, 1970 Filed with Secretary of State September 19, 1970]

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

SECTION 1. Section 12850 is added to the Education Code, to read:

12850. Whenever the State Board of Education designates a new test to be administered under this chapter, the Department of Education shall study the compatibility and test results of the new test and existing tests and shall annually report the results of such study to the Legislature at the same time it submits its report pursuant to Section 12848.

CHAPTER 1492

An act to amend Section 24054 of, and to add Sections 24054.5 and 24054.7 to, the Education Code, relating to state college auxiliary organizations.

[Approved by Governor September 19, 1970 Filed with Secretary of State September 19, 1970]

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

SECTION 1. Section 24054 of the Education Code is amended to read:

24054. (a) A certified public accountant selected by the auxiliary organizations described in Section 24054.5, and in

accordance with procedures prescribed by the Department of Finance, shall annually audit any and all state college auxiliary funds. The auxiliary organizations 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 and be available to any person on request. In the case of a state college auxiliary organization primarily serving a single state college, publication in the campus student newspaper shall be deemed compliance with this requirement. In the case of a state college auxiliary organization serving the trustees or the California State Colleges, distribution of the published audited statement of its financial condition at a regularly scheduled meeting of the trustees shall be deemed compliance with this requirement.

(b) In the case of a state college auxiliary organization primarily serving a single state college, the president of that state college 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.

(c) 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 24054.5 is added to the Education Code, to read:

24054.5. As used in this article, the terms "auxiliary organization" and "state college auxiliary organization" shall each include the following entities:

(a) Any entity in which any state college official participates as a director as part of his official position.

(b) Any entity formed or operating pursuant to Article 2 (commencing with Section 23801) of this chapter.

(c) Any entity which operates a commercial service for the benefit of a state college on a state college campus or other state college property.

(d) Any entity whose governing instrument provides in substance that:

(1) Its purpose is to promote or assist a state college, or to receive gifts, property and funds to be used for the benefit of a state college or any person or organization having an official relationship therewith; and

(2) Any of its directors, governors, or trustees are either appointed or nominated by, or subject to, the approval of an official of a state college, or selected, ex officio, from the membership of the student body or the faculty or the administrative staff of a state college.

(e) Any entity whose governing instrument provides in substance that:

(1) Its purpose is to promote or assist the trustees or the California State Colleges, or to receive gifts, property and funds to be used for the benefit of the trustees or the California State Colleges or any person or organization having an official relationship therewith; and

(2) Any of its directors, governors, or trustees are either appointed or nominated by, or subject to, the approval of the trustees or an official of the California State Colleges, or selected, ex officio, from the membership of the trustees or the administrative staff of the California State Colleges.

(f) Any entity which, exclusive of the foregoing subdivisions of this section, is designated as an auxiliary organization by the trustees.

SEC. 3. Section 24054.7 is added to the Education Code, to read:

24054.7. This article shall not apply to any student body organization not formed or operating pursuant to Article 2 (commencing with Section 23801) of this chapter nor to any student or faculty society, social club, fraternity, or sorority, nor to any alumni association, whether officially recognized as a campus organization or not, unless it is described in Section 24054.5.

This section shall not be construed to alter or limit the powers of the trustees to establish rules and regulations governing organizations which maintain an official relationship with a state college or the California State Colleges or which use the name or facilities of a state college or the California State Colleges.

CHAPTER 1493

An act to add Section 6311 to the Public Resources Code, relating to tide and submerged lands.

[Approved by Governor September 19, 1970. Filed with Secretary of State September 19, 1970.]

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

SECTION 1. Section 6311 is added to the Public Resources Code, to read:

6311. It is hereby declared to be the policy of this state that any grant of tidelands or submerged lands made after January 1, 1971, within an area which has been designated by the Department of Navigation and Ocean Development as the location of a small craft harbor of refuge shall contain a reservation and condition requiring the grantee to submit a plan to the Department of Navigation and Ocean Development within a reasonable period of time after the effective date of the grant for the construction of facilities necessary or convenient for the use of such granted lands as a small craft harbor of refuge and requiring that construction of such facilities be completed within a specified period of time after approval of the plan by the Department of Navigation and Ocean Development.

CHAPTER 1494

An act to add Section 1111.7 to the Education Code, relating to elections.

[Approved by Governor September 19, 1970. Filed with Secretary of State September 19, 1970.]

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

SECTION 1. Section 1111.7 is added to the Education Code, to read:

1111.7. When an elementary, unified, high school, junior college district or junior college district trustee area, includes within its boundaries the same territory, or territory that is in part the same, as a city which holds a city election on the second Tuesday in April in each even-numbered year, the consolidated governing board member elections of the elementary, unified, high school, junior college district or junior college district trustee area may be held on the second Tuesday in April in the even-numbered year and may be further consolidated with the city election pursuant to Chapter 4 of Part 2 of Division 12 of the Elections Code. Such consolidation shall be effected by the county superintendent of schools having jurisdiction of the elementary, unified, high school or junior college district upon the written request of the governing board of the elementary, unified, high school or junior college district, with the written consent of the legislative body of the city and the written consents of all of the governing boards of the districts whose governing board member elections are affected. The provisions of this section shall be controlling in the event of any conflict with a prior order of the county superintendent of schools made pursuant to Section 1331.

Successors to incumbents holding office upon adoption of this section, who in the absence of this section would have

been elected at a different time, shall be chosen for office at the election nearest the time the terms of office of such incumbents would have otherwise expired. If an incumbent's term of office is extended because of this section, he shall hold office until a successor qualifies therefor, but in no event shall the term of an incumbent be extended to exceed four years.

CHAPTER 1495

An act to add Section 1261.5 to the Business and Professions Code, relating to clinical laboratory technology.

[Approved by Governor September 19, 1970 Filed with Secretary of State September 19, 1970]

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

SECTION 1. Section 1261.5 is added to the Business and Professions Code, to read:

1261.5. The board may issue clinical laboratory technologist's licenses limited to the fields of toxicology, clinical chemistry, clinical microbiology, or immunohematology.

To qualify for admission to the examination for a special clinical laboratory technologist's license, an applicant shall have all the following:

(a) Have graduated from a college or university maintaining standards equivalent, as determined by the department, to those institutions accredited by the Western Association of Schools and Colleges or an essentially equivalent accrediting agency with a baccalaureate or higher degree with a major appropriate to the field for which a license is being sought.

(b) Have one year of full-time postgraduate training or experience in the various areas of analysis in the field for which a license is being sought in a laboratory which has a permit issued under this chapter or which the department determines is equivalent thereto.

The board shall adopt regulations to conform to this section.

CHAPTER 1496

An act to add Section 150 to the Streets and Highways Code, relating to location of freeways, and making an appropriation therefor.

[Approved by Governor September 19, 1970 Filed with Secretary of State September 19, 1970]

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

SECTION 1. Section 150 is added to the Streets and Highways Code, to read:

150. When the department, in cooperation with rapid transit districts as provided under Section 75.8 and as a part of its planning coordination with local agencies under Article 6 (commencing with Section 210) of this chapter, recommends that mass public transportation facilities should be located along a proposed freeway corridor in order to establish a planned balanced transportation system, the commission shall consider such recommendation in making its decision as to the location of the freeway.

If the commission determines that the location of mass public transportation facilities should be located along the proposed freeway corridor, it may also direct the department to plan, design, and construct the freeway so as to provide locations for such facilities, and the cost thereof shall be considered as part of the cost of constructing the state highway. In making such determination, the commission shall consider the extent to which the mass public transportation facilities will reduce the volume of traffic on the proposed freeway and the impact such joint development will have on community values, such as those referred to in Section 75.7. The commission shall also consider whether the rapid transit district has adopted a general plan for the development of its mass public transportation facilities and the likelihood as to whether sufficient funds will be available for the development of mass public transportation service in such locations. The commission shall authorize the department to provide such locations along federal-aid highways only in those instances where it has received assurances of full federal financial participation in the cost of providing such locations.

If mass public transportation facilities other than roadways and other facilities for use of buses are to be constructed and placed in use in such locations, the department may enter into agreements for the sale of the locations to mass transit districts for such use at a price equal to the market value of such property at the time of sale. If mass public transportation facilities are not placed in use in the locations provided within five years of completion of the freeway, the department may develop such locations for freeway purposes, or it may lease or otherwise dispose of the locations in accordance with the provisions of this code.

The department may, in cooperation with rapid transit districts, develop exclusive or preferential bus lanes in such locations in accordance with the provisions of Section 149.

CHAPTER 1497

An act to add Article 2.5 (commencing with Section 16075) to Chapter 2 of Division 12 of the Education Code, relating to the joint occupancy of buildings on school property.

[Approved by Governor September 19, 1970. Filed with Secretary of State September 19, 1970.]

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

SECTION 1. Article 2.5 (commencing with Section 16075) is added to Chapter 2 of Division 12 of the Education Code, to read:

Article 2.5. Joint Occupancy of Building on School Property

16075. Any school district may enter into leases and agreements relating to real property and buildings to be used jointly by the district and any private person, firm, or corporation pursuant to this article. As used in this article, "building" includes onsite and offsite facilities, utilities and improvements which as agreed upon by the parties are appropriate for the proper operation or function of the building to be occupied jointly by the district and the private person, firm, or corporation. It also includes the permanent improvement of school grounds.

Nothing in this article shall authorize the joint occupancy or the entry into any contract for the joint occupancy, by a school district and any other contracting party, of any building utilized in whole or in part for classroom purposes or other purposes involving group participation by pupils. The occupancy of a building utilized for classroom purposes or other purposes involving group participation by pupils shall be exclusively by the school district.

16076. Before the governing board of a school district enters into a lease or agreement pursuant to this article, it shall own a site upon which a building to be used by the district and private person, firm, or corporation may be constructed and shall have complied with the provisions of law relating to the selection and approval of sites.

16077. The term of any lease or agreement entered into by a school district pursuant to this article shall not exceed 66 years.

16078. Sections 16051 to 16068, inclusive, shall not apply to leases made pursuant to this article.

16079. The governing board of a school district may let to any private person, firm, or corporation, any real property which belongs to the district if the instrument by which such property is let requires the lessee therein to construct on the demised premises, or provide for the construction thereon of, a building or buildings for the joint use of the school district and the private person, firm, or corporation during the term of the agreement; provided that title to that portion of the building to be occupied by the private individual, firm or corporation shall remain exclusively the personal property of the private party during the term of the lease and the title to such portion of the building to be occupied by the district shall vest in the district upon completion thereof and acceptance thereof by the school district; provided further that no

rental fee or other charge for the use of the building shall be paid by the district.

16080. Any lease of real property by a school district to a private person, firm, or corporation pursuant to this article shall be upon such terms and conditions as the parties thereto may agree and may be entered into without complying with any provisions of this code except as provided in this article; provided, however, that any such lease or agreement shall be subject to the provisions of Article 5 (commencing with Section 1171) of Chapter 4 of Division 4.

16081. Before entering into a lease or agreement pursuant to this article, the governing board of a school district shall comply with the provisions of Section 16082.

16082. For the purposes of receiving proposals for the joint occupancy of a building to be constructed on school property, the board shall, in a regular open meeting, adopt a resolution declaring its intention to consider the proposals. The resolution shall describe the proposed site on which the building to be jointly occupied is to be constructed in such a manner as to identify said site, shall specify the intended use of that portion of the building which is to be occupied by the district and shall fix a time not less than 90 days thereafter for a public meeting of the governing board to be held at its regular place of meeting, at which meeting the board shall receive and consider all plans or proposals submitted.

16083. Notice of adoption of the resolution and the time and place of holding the meeting shall be given by publishing the resolution at least once a week for three weeks in a newspaper of general circulation published in the district if there is one, or if none is published in the district, in a newspaper published in the county.

16084. At the time and place fixed in the resolution for the meeting of the governing board, the board shall meet and consider all plans and proposals submitted for the joint occupancy of the building to be constructed on the proposed school site.

16085. After considering all proposals submitted, the governing board of the school district shall have the authority, subject to the provisions of Section 16086, to select the plan or proposal which best meets the needs of the school district and to enter into a contract incorporating that plan or proposal either as submitted or as revised by the school district's governing board; provided, however, that the governing board shall not approve any proposal nor enter into a lease or contract incorporating a proposal until the governing board has submitted the proposal to the State Board of Education, and the State Board of Education has approved such proposal. The State Board of Education shall, within 45 days of the date of submission, notify the governing board of its approval or disapproval.

The governing board shall require any person, firm or corporation with whom it enters into a lease or agreement pursuant

to this article to file a bond, executed by either two or more good and sufficient sureties or by a corporate surety, for the performance of such lease or agreement.

16086. Any building constructed for the use of a school district pursuant to this article is subject to Sections 15451 to 15465, inclusive, and all other provisions of this code relating to the physical structure of school buildings.

16087. The provisions of this article prevail over any provisions of law which conflict therewith.

SEC. 2. This act shall remain in effect until June 1, 1975, and shall have no force or effect after that date.

CHAPTER 1498

An act to add Article 1 (commencing with Section 7100) to Chapter 1, Part 3, Division 5 of, to add Article 4 (commencing with Section 7250) to Chapter 1, Part 3, Division 5 of, and to repeal Article 1 (commencing with Section 7100) of Chapter 1, Part 3, Division 5 of, the Labor Code, relating to safety in employment.

[Approved by Governor September 19, 1970 Filed with Secretary of State September 19, 1970]

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

SECTION 1. Article 1 (commencing with Section 7100) of Chapter 1, Part 3, Division 5 of the Labor Code is repealed.

SEC. 2. Article 1 (commencing with Section 7100) is added to Chapter 1, Part 3, Division 5 of the Labor Code, to read:

Article 1. Floors and Walls

7100. As used in this article, "building" means any multifloor building, other than structural steel framed building, more than two stories high in the course of construction.

7101. Every building shall have the joists, beams, or girders of floors below the floor or level where any work is being done, or about to be done, covered with flooring laid close together, or with other suitable material to protect workmen engaged in such building from falling through joists or girders, and from falling substances, whereby life or safety is endangered.

7102. Every building which is of reinforced concrete construction, with reinforced concrete floors, shall have the floor filled in, either with forms or concrete, on each floor before the commencement of work upon the walls of the second floor above or the commencement of work upon the floor of the next floor above.

7103. Every building having wooden floors other than a steel frame building shall have the underflooring, if double flooring is to be used, laid on each floor within the time prescribed above for reinforced concrete floors. Where single

wooden floors are to be used, each floor shall be planked over within the time prescribed above for reinforced concrete floors.

7104. If a span of a floor on a building exceeds 13 feet, an intermediate beam shall be used to support the temporary flooring, but spans not to exceed 16 feet may be covered by three-inch planks without an intermediate beam. The intermediate beam shall be of a sufficient strength to sustain a live load of 50 pounds per square foot of the area supported.

7105. If building operations are suspended and the temporary flooring required by this article is removed, the building shall be replanked upon the resumption of work so that every man at work has a covered floor not more than two stories below.

7106. Where a building is being constructed in sections each section constitutes a building for the purpose of this article.

7107. Planked floors on buildings shall be tightly laid together of proper thickness, grade and span to carry the working load; such working load to be assumed as at least 25 pounds per square foot.

7108. Safety belts and nets shall be required in accordance with Article 24 (commencing with Section 1669) of subchapter 4, Chapter 4, Part 1, Title 8 of the California Administrative Code, Construction Safety Orders of the Division of Industrial Safety.

7109. No person shall proceed with any work assigned to or undertaken by him, or require or permit any other person to proceed with work assigned to or undertaken by either, unless the planking or nets required by this article are in place. Violation of this section is a misdemeanor.

7110. The Division of Industrial Safety shall enforce this article.

SEC. 3. Article 4 (commencing with Section 7250) is added to Chapter 1, Part 3, Division 5 of the Labor Code, to read:

Article 4. Structural Steel Framed Buildings

7250. As used in this article "building" means any multifloor structural steel framed building more than two stories high in the course of construction.

7251. As defined above, these provisions shall apply to buildings erected in tiers or stories and shall not apply to steel framed buildings having large open spans or areas such as, mill buildings, gymnasiums, auditoriums, hangars, arenas, or stadiums.

7252. The derrick or working floor of every building shall be solidly decked over its entire surface except for access openings.

7253. There shall be a tight and substantial temporary floor within two floors below and directly under that portion of each tier of beams on which erection, riveting, bolting, welding or painting is being done. For operations of short duration

of exposure to falling, safety belts shall be required as set forth in Section 7265.

7254. Temporary floors shall be wood planking of proper thickness, grade and span to carry the working load, but shall not be less than two inches thick, full size undressed.

7255. Provision shall be made to secure temporary flooring against displacement by strong winds or other forces.

7256. Planks shall extend a minimum of 12 inches beyond centerline of their supports at each end.

7257. Wire mesh or plywood (exterior grade) shall be used to cover openings adjacent to columns where planks do not fit tightly.

7258. Metal decking where used in lieu of wood planking shall be of equivalent strength and shall be laid tightly and secured to prevent movement.

7259. Floor planks that are temporarily removed for any reason whatsoever shall be replaced as soon as work requiring their removal is completed or the open area shall be properly guarded.

7260. Prior to removal of temporary floor plank, employees shall be instructed by assigned supervision the steps to be taken to perform the work safely and in proper sequence.

7261. When gathering and stacking temporary floor plank on a lower floor, in preparation for transferring such plank for use on an upper working floor, the steel erector's personnel shall remove such plank successively, working toward the last panel of such floor, so that the work is always being done from the planked floor.

7262. When gathering and stacking temporary floor planks from the last panel, the steel erector's personnel assigned to such work shall be protected by safety belts with life lines attached to a catenary line or other substantial anchorage.

7263. The sequence of erection, bolting, temporary guying, riveting and welding shall be such as to maintain the stability of the structural frame at all times during construction. This applies to the dead weight of the structure, plus weight and working reactions of all construction equipment placed thereon plus any external forces that may be applied.

7264. Where a building is being constructed in sections, each section constitutes a building as defined in Section 7250.

7265. Safety belts and nets shall be required in accordance with Article 24 (commencing with Section 1669) of subchapter 4, Chapter 4, Part 1, Title 8 of the California Administrative Code, Construction Safety Orders of the Division of Industrial Safety.

7266. No person shall proceed with any work assigned to or undertaken by him, or require or permit any other person to proceed with work assigned to or undertaken by either, unless the planking or nets required by this article are in place. Violation of this section is a misdemeanor.

7267. The Division of Industrial Safety shall enforce this article.

CHAPTER 1499

An act to add Article 7.8 (commencing with Section 418) to Chapter 2, Part 1, Division 1, of the Health and Safety Code, relating to dialysis, and making an appropriation therefor.

[Approved by Governor September 19, 1970. Filed with Secretary of State September 19, 1970.]

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

SECTION 1. Article 7.8 (commencing with Section 418) is added to Chapter 2 of Part 1 of Division 1 of the Health and Safety Code, to read:

Article 7.8. Home Dialysis Training Centers

418. Up to three home dialysis training centers shall be established for the purpose of training persons suffering from chronic uremia for home dialysis. Each such center shall have an affiliation with a large hospital or medical school, but shall utilize the most economical facilities for treatment. These institutions, however, shall be able to provide a full range of home dialysis training services. The State Department of Public Health shall only act as a granting agency for state funds which are appropriated for the establishment and the continuation of the three centers. The State Department of Public Health and the review committee established pursuant to Section 417.3 shall exercise over the home dialysis training centers the same powers they exercise, pursuant to Article 7.7 (commencing with Section 417) of this chapter, over regional dialysis centers.

418.1. Each center shall contain approximately four dialysis bed units. The state department shall grant to each such center fifty thousand dollars ($50,000) during the first year, twenty-five thousand dollars ($25,000) during the second year, and twelve thousand five hundred dollars ($12,500) during the third year. The state department shall grant to each such center not to exceed five thousand dollars ($5,000) in the first year for the purchasing or leasing of equipment and not to exceed two thousand five hundred dollars ($2,500) in the first year for construction or remodeling of the physical facility.

SEC. 2. The sum of three hundred fifty thousand dollars ($350,000) is hereby appropriated from the General Fund to the State Department of Public Health for expenditure, without regard to fiscal years, for the purpose of carrying out the provisions of Article 7.8 (commencing with Section 418) of Chapter 2 of Part 1 of Division 1 of the Health and Safety Code. The additional centers shall not be so located as to duplicate existing state-supported dialysis center services.

CHAPTER 1500

An act to amend Sections 417, 417.5 and 417.6 of the Health and Safety Code, relating to kidney diseases, and making an appropriation therefor.

[Approved by Governor September 19, 1970. Filed with Secretary of State September 19, 1970.]

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

SECTION 1. Section 417 of the Health and Safety Code is amended to read:

417. Up to four regional dialysis centers with up to two in the northern and up to two in the southern part of the state, shall be established for the treatment of persons suffering from chronic uremia. Each such center shall be located in a metropolitan area and shall have an affiliation with a large hospital or medical school, but shall not be necessarily a physical part of such institution. These institutions, however, shall be able to provide a full range of medical, surgical and rehabilitation services. The State Department of Public Health shall only act as a granting agency for state funds which are appropriated for the establishment and the continuation of the four centers. The state department, upon the advice of the review committee which is provided for by Section 417.3, may contract with any such hospital or medical care institution for the administration and operation of one of the regional dialysis centers. It is not the intent of this section that any new hospital or medical school be established.

SEC. 2. Section 417.5 of the Health and Safety Code is amended to read:

417.5. No resident of this state shall be denied treatment in any of the regional dialysis centers because of his place of residence, so long as he is able to transport himself to the center.

SEC. 3. Section 417.6 of the Health and Safety Code is amended to read:

417.6. The funds which are provided by the state shall only be expended for the construction and equipment of the regional dialysis centers; equipment for and development of, home dialysis services; training of personnel and other expenses incident to the activation of the regional centers; services of dialysis and directly associated procedures; and treatment of complications which may result from dialysis. These funds shall not be utilized to pay for general medical care services which should come from private, local, other state or federal sources.

SEC. 4. The additional regional dialysis centers shall not be so located as to duplicate existing state-supported dialysis centers, but establishment of a dialysis center specifically for children shall not be considered as duplicating existing dialysis center services.

SEC. 5. The sum of three hundred eighty-eight thousand dollars ($388,000) is hereby appropriated from the General Fund to the State Department of Public Health for grants by the department for the establishment and continuation of the two additional regional dialysis centers provided for by the amendments to Section 417 of the Health and Safety Code enacted by this act, so that each of such additional regional dialysis centers receives one hundred ninety-four thousand dollars ($194,000).

CHAPTER 1501

An act to amend Sections 6751, 6752, and 6951 of, and to add Section 6751.5 to, the Education Code, relating to educationally handicapped pupils.

[Approved by Governor September 19, 1970. Filed with Secretary of State September 19, 1970.]

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

SECTION 1. Section 6751 of the Education Code is amended to read:

6751. The governing board of any school district or a county superintendent of schools with the approval of the county board of education, maintaining schools in juvenile halls or juvenile homes, ranches, or camps as authorized by the Welfare and Institutions Code, may provide for any one or more of the special educational programs for educationally handicapped minors authorized in this section. A county superintendent of schools may enter into an agreement pursuant to Section 6753 with the governing board of a school district having less than 901 average daily attendance in the elementary schools or less than 901 in the high schools of the district to provide any one or more of such special educational programs for the district, or the county superintendent of schools may enter into an agreement pursuant to Section 6753 with the governing board of a school district having an average daily attendance of 901 or more in the elementary schools of the district or 901 or more in the high schools of the district to provide only those special educational programs for the district which are set forth in subdivision (a), (c), or (d), or any combination thereof. Whenever a special educational program for educationally handicapped pupils set forth in subdivision (a) or (d) of this section is provided by a county superintendent of schools for a district with an average daily attendance of 901 or more in the elementary schools of the district or 901 or more in the high schools of the district, pursuant to an agreement entered into pursuant to Section 6753, the foundation program prescribed in Section 17656 for an elementary district with an average daily attendance of 901 or more shall apply to educationally handicapped pupils of the elementary schools of the district who are in such

a special education program and the foundation program prescribed in Section 17665 shall apply to educationally handicapped pupils of the high schools of the district who are in such a special educational program.

Such special educational programs shall be provided in accordance with standards for each approved by the State Board of Education. Such standards shall emphasize fundamental school subjects with the aim of returning the pupils to the regular school program at the earliest possible date consistent with the interest of the pupil.

The special educational programs for educationally handicapped minors are:

(a) Special day classes (elementary and secondary). Under this program, educationally handicapped pupils unable to function in a regular class are assigned to a special day class. The special day class shall be maintained for not less than the minimum schoolday. In this program, fundamental school subjects shall be emphasized as prescribed by the State Board of Education

(b) Learning disability groups (elementary and secondary). In this program, the pupil remains in his regular class but is scheduled for individual or small group instruction given by a special teacher. Whenever two to four educationally handicapped pupils are instructed at the same time by the same teacher in a learning disability group conducted by a school district or county superintendent of schools, the total attendance credited for such pupils shall equal one unit of attendance for each 60 minutes of instruction.

(c) Specialized consultation to teachers, counselors, and supervisors (elementary and secondary) Under this program, specialized consultation is provided teachers, counselors, and supervisors relative to the learning disabilities of individual pupils and special education services required by such pupils.

(d) Home and hospital instruction (elementary and secondary). Under this program, a pupil who is unable to function in a school setting and who does not attend school receives instruction at the appropriate grade level at home or in a hospital.

SEC. 2. Section 6751.5 is added to the Education Code, to read:

6751.5. The governing board of each school district may provide for instruction for educationally handicapped pupils who reside in all regularly established nonprofit, tax-exempt, licensed children's institutions within the district. Under such a program, a pupil who is unable to function in a school setting and who does not attend school receives instruction at the appropriate grade level in the institution, or a pupil who resides in the institution and who is able to function in a school setting receives instruction at the appropriate grade level in the public school facilities.

The governing board may contract with the county superintendent of schools for the provision of such programs.

SEC. 3. Section 6752 of the Education Code is amended to read:

6752. A school district maintaining special educational programs for educationally handicapped minors shall not enroll at any given time more than 2 percent of total district enrollment in such programs except as permitted by special authorization of the Superintendent of Public Instruction. As used in this section, total district enrollment means the average number of pupils, exclusive of pupils for whom a tuition payment is charged pursuant to Chapter 10 (commencing with Section 6950) of Division 6, enrolled at the end of the first school month and the sixth school month of the school year.

The superintendent shall report to each regular session of the Legislature (1) the school districts, and county superintendents of schools permitted to exceed the 2 percent during the preceding school year, (2) the number of additional pupils involved, and (3) the reasons existing that resulted in granting the permission requested.

A county superintendent of schools maintaining schools in juvenile halls or juvenile homes, ranches, or camps as authorized by the Welfare and Institutions Code shall not enroll at any given time more than 2 percent of the juvenile population thereof in programs for educationally handicapped minors except as permitted by the Superintendent of Public Instruction.

The 2-percent limitation prescribed by this section does not include pupils participating in a program for educationally handicapped minors pursuant to Section 6751.5.

SEC. 4. Section 6951 of the Education Code is amended to read:

6951. Whenever a school district provides education in kindergarten or grades 1 through 12 for children who reside in a regularly established licensed children's institution located either within or without the boundaries of the district, the district shall be reimbursed for the actual cost of educating each such child by the county or city and county in which the child resided prior to his admission to the children's institution. Whenever a school district provides education in kindergarten or grades 1 through 12 for children who reside in an institution or in a family home, pursuant to a commitment or placement under Chapter 2 (commencing with Section 500) of Part 1 of Division 2 of the Welfare and Institutions Code, located either within or without the boundaries of the district, or whenever a school district provides education in special schools or classes for mentally retarded minors coming within the provisions of Section 6902 or 6903, physically handicapped minors coming within the provisions of Section 6801, or educationally handicapped minors educated pursuant to Section 6751.5, who reside in a licensed children's institution or family home located either within or without the boundaries of the district, the district shall be reimbursed for the

actual cost of educating each such child by the county or city and county in which the child resided prior to his admission to the institution or home. If the child's prior residence cannot be ascertained or if his residence was outside the State of California, the district shall be reimbursed for the actual cost of educating such child by the county or city and county in which the institution or family home is located. The pupil residing in an institution or family home under this section does not acquire residence in the district wherein the institution or family home is located during the period of residence in the institution or family home.

CHAPTER 1502

An act to amend Section 6250 of, to add Article 8 (commencing with Section 5340) to Chapter 2, Part 1 of Division 5 of, to repeal Article 2 (commencing with Section 6350) of Chapter 2 of Part 2 of Division 6 of, to repeal Article 3 (commencing with Section 6400) of Chapter 2 of Part 2 of Division 6 of, to repeal Article 1 (commencing with Section 6700) of Chapter 3 of Part 2 of Division 6 of, to repeal Article 2 (commencing with Section 6705) of Chapter 3 of Part 2 of Division 6 of, to repeal Article 1 (commencing with Section 6725) of Chapter 4 of Part 2 of Division 6 of, and to repeal Article 2 (commencing with Section 6730) of Chapter 4 of Part 2 of Division 6 of, the Welfare and Institutions Code, and to repeal Division 10.6 (commencing with Section 11920) of the Health and Safety Code, relating to the care and treatment of drug and narcotic users.

[Approved by Governor September 19, 1970. Filed with Secretary of State September 19, 1970.]

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

SECTION 1. Article 8 (commencing with Section 5340) is added to Chapter 2, Part 1 of Division 5 of the Welfare and Institutions Code, to read:

Article 8. Community Drug and Narcotics Treatment Services

5340. It is the intention of the Legislature by enacting this article to provide legal procedures for the custody, evaluation, and treatment of users of narcotics and restricted dangerous drugs. The enactment of this article shall not be construed to be evidence that any person subject to its provisions is mentally disordered, or evidence that the Legislature considers that such persons are mentally disordered.

5341. As used in this article:

(a) "Narcotics" has the same meaning given that term in Section 11001 of the Health and Safety Code.

(b) "Restricted dangerous drugs" has the same meaning given that term in Section 11901 of the Health and Safety Code.

5342. Where other applicable sections of this part contain the phrase "a danger to himself or others, or gravely disabled," such sections shall be deemed to refer to the condition of danger to self or others or grave disability as a result of the use of narcotics or restricted dangerous drugs, rather than by mental disorder, as such.

5343. Notwithstanding any other provision of law, if any person is a danger to others or to himself, or gravely disabled, as a result of the use of narcotics or restricted dangerous drugs, he shall be subject, insofar as possible, to the provisions of Articles 1 (commencing with Section 5150), 2 (commencing with Section 5200), 4 (commencing with Section 5250), 5 (commencing with Section 5275), and 7 (commencing with Section 5325) of this chapter, except that any custody, evaluation and treatment, or any procedure pursuant to such provisions shall only be related to and concerned with the problem of the person's use of narcotics or restricted dangerous drugs.

5344. Any expenditure for the custody, evaluation, treatment, or other procedures for services rendered a person pursuant to this article shall be considered an expenditure made under the provisions of Part 2 (commencing with Section 5600) of this division, and shall be paid as are other expenditures pursuant to that part. No person shall be admitted to a state hospital for care and treatment of his use of narcotics or dangerous restricted drugs prior to screening and referral by an agency designated in the county Short-Doyle plan to provide the services.

SEC. 4. Article 2 (commencing with Section 6350) of Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions Code is repealed.

SEC. 5. Article 3 (commencing with Section 6400) of Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions Code is repealed.

SEC. 6. Section 6250 of the Welfare and Institutions Code is amended to read:

6250. As used in this part, "persons subject to judicial commitment" means persons who may be judicially committed under this part as mentally disordered sex offenders pursuant to Article 1 (commencing with Section 6300), mentally abnormal sex offenders pursuant to Article 4 (commencing with Section 6450), or mentally retarded persons pursuant to Article 5 (commencing with Section 6500).

Nothing in this part shall be held to change or interfere with the provisions of the Penal Code and other laws relating to mentally disordered persons charged with crime or to the criminally insane.

This part shall be liberally construed so that, as far as possible and consistent with the rights of persons subject to com-

mitment, such persons shall be treated, not as criminals, but as sick persons.

SEC. 7. Article 1 (commencing with Section 6700) of Chapter 3 of Part 2 of Division 6 of the Welfare and Institutions Code is repealed.

SEC. 8. Article 2 (commencing with Section 6705) of Chapter 3 of Part 2 of Division 6 of the Welfare and Institutions Code is repealed.

SEC. 9. Article 1 (commencing with Section 6725) of Chapter 4 of Part 2 of Division 6 of the Welfare and Institutions Code is repealed.

SEC. 10. Article 2 (commencing with Section 6730) of Chapter 4 of Part 2 of Division 6 of the Welfare and Institutions Code is repealed.

SEC. 11. Division 10.6 (commencing with Section 11920) of the Health and Safety Code is repealed.

CHAPTER 1503

An act to add Division 10.8 (commencing with Section 11940) to the Health and Safety Code, relating to drugs.

[Approved by Governor September 19, 1970. Filed with Secretary of State September 19, 1970.]

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

SECTION 1. Division 10.8 (commencing with Section 11940) is added to the Health and Safety Code, to read:

DIVISION 10.8. STATE OFFICE OF NARCOTICS AND DRUG ABUSE

11940. There is in the Human Relations Agency the State Office of Narcotics and Drug Abuse Coordination. This office shall be under the control of an executive officer known as the coordinator. The coordinator shall be appointed by, and hold office at the pleasure of, the Governor.

11941. The coordinator may appoint:

(a) An assistant coordinator.

(b) Such other employees as may be necessary for the proper discharge of the duties of his office.

11942. The duties of this state office are:

(a) To coordinate narcotics and drug abuse preventive and treatment programs.

(b) To be a central information resource on preventive and treatment programs and on research projects, with respect to narcotics and dangerous drugs.

(c) To assist local community organizations in initiating effective programs to prevent and treat narcotics addiction and drug abuse.

CHAPTER 1504

An act to add Section 3084.5 to the Labor Code, relating to apprenticeship.

[Approved by Governor September 19, 1970. Filed with Secretary of State September 19, 1970.]

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

SECTION 1. Section 3084.5 is added to the Labor Code, to read:

3084.5. In any case in which a person or persons have willfully violated any of the laws, regulations, or orders governing applicants for apprenticeship or apprentices registered under this chapter, the Division of Apprenticeship Standards may obtain in a court of competent jurisdiction, an injunction against any further violations of any such laws, regulations, or orders by such person or persons.

CHAPTER 1505

An act to amend Sections 2201, 2208, and 2210.5 of the Streets and Highways Code, relating to financial aid for county highways.

[Approved by Governor September 19, 1970. Filed with Secretary of State September 19, 1970.]

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

SECTION 1. Section 2201 of the Streets and Highways Code is amended to read:

2201. Congress has enacted the Federal-Aid Highway Act of 1950 in which federal appropriations have been authorized for projects on secondary roads of various types. By apportionment of the authorization made pursuant to the federal act, it is anticipated that substantial sums will be made available for expenditures on such roads in California. The apportionment to California is to be made available for expenditure on either state highways or county highways which qualify under the federal law. County highways throughout the state are in greater need of such expenditures than are state highways on the Federal-Aid Secondary System. It is therefore, determined by the Legislature that, insofar as permissible under federal laws, rules, and regulations, an amount equal to at least 98½ percent of the money apportioned to California for such projects as are mentioned in paragraph (b) of Section 1 of the Federal-Aid Highway Act of 1950 should be expended for the improvement of county highways in this state. Inasmuch as these county highways are a matter of state concern and many of the counties are financially unable to furnish

funds to be used with federal funds as required by federal law, funds should be provided from state sources therefor.

SEC. 2. Section 2208 of the Streets and Highways Code is amended to read:

2208. (a) It is in the interest of the state and its counties that an amount equal to at least 98½ percent of the money available for construction of highways in this state pursuant to the provisions of paragraph (b) of Section 1 of the Federal-Aid Highway Act of 1950 be apportioned for expenditure among the counties in the manner and in accordance with the formula prescribed in subdivision (b) of Section 4 of the Federal-Aid Highway Act of 1944 for apportionment among the states, except that the census figures used in making such apportionments shall be those shown by the latest available federal census.

(b) If the apportionment to a county pursuant to subdivision (a) is less than one hundred thousand dollars ($100,000) in a year, the county may exchange its apportionment for an equal amount of nonfederal funds in the State Highway Fund. If the apportionment to a county pursuant to subdivision (a) is more than five hundred thousand dollars ($500,000) in a year, the county may exchange that portion of its apportionment in excess of five hundred thousand dollars ($500,000) for an equal amount of nonfederal funds in the State Highway Fund.

(c) Highways constructed with funds apportioned or exchanged pursuant to this article shall be constructed to the standards of the Federal-Aid Secondary System.

SEC. 3. Section 2210.5 of the Streets and Highways Code is amended to read:

2210.5. The department shall pay the state's share for construction of county highways as provided in this chapter out of the money received in the State Highway Fund under Section 2108, and the money so paid shall be included in the computation of compliance with the requirements of Section 188. The funds made available by this section shall be apportioned on the basis of one dollar ($1) to every two dollars ($2) apportionment to a county pursuant to subdivision (a) of Section 2208; provided, however, that no county shall receive a total amount in excess of one hundred thousand dollars ($100,000) in any one year. The department may advance funds from the State Highway Fund, if available, as necessary to permit award of contracts at any time after January 1st preceding the beginning of the fiscal year to which the federal apportionments apply. None of the money made available by this section shall be expended on any highway, street, or road which is not a county highway, except as expressly otherwise provided in this chapter.

For purposes of this section, all funds apportioned to or exchanged by a county pursuant to Section 2208 are deemed to be federal funds.

CHAPTER 1506

An act relating to historic places.

[Approved by Governor September 19, 1970. Filed with Secretary of State September 19, 1970.]

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

SECTION 1. The Department of Parks and Recreation shall conduct a study of the feasibility of acquiring and developing the historic townsite of Allensworth in Tulare County and of including it in the state park system. The department shall undertake such preliminary studies and surveys as are needed in order to make its determination.

SEC. 2. The Director of Parks and Recreation shall appoint from the public a citizen's advisory committee of 25 members, who shall serve at his pleasure. The Department of Parks and Recreation shall consult with the committee, and the committee shall assist and advise the department, with respect to the feasibility study required by this act.

SEC. 3. The members of the citizen's advisory committee shall not receive compensation for their services, but each member of the committee shall be entitled to receive his actual necessary expenses while on official business of the committee.

SEC. 4. The Department of Parks and Recreation shall report its findings and recommendations with respect to feasibility of acquiring and developing the townsite of Allensworth and of including it in the state park system to the Legislature not later than the fifth calendar day of the 1972 Regular Session of the Legislature.

CHAPTER 1507

An act to add Section 7655 to the Labor Code, to add Section 6357.5 to, and to amend Section 10753 of, the Revenue and Taxation Code, and to add Section 2402.6 to the Vehicle Code, relating to vehicle fuel.

[Approved by Governor September 19, 1970. Filed with Secretary of State September 19, 1970.]

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

SECTION 1. Section 7655 is added to the Labor Code, to read:

7655. The division shall prepare and adopt regulations in accordance with the provisions of the Administrative Procedure Act provided for in Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code, designed to promote safety with respect to the installation and operation of vendor facilities for the storage and pumping of compressed or liquefied natural gas and liquefied petroleum gas into vehicles.

SEC. 2. Section 6357.5 is added to the Revenue and Taxation Code, to read:

6357.5. There is exempted from the taxes imposed by this part the gross receipts from the sale of and the storage, use, or other consumption in this state of fuel, the use of which in this state is exempt from the tax imposed by Part 3 (commencing with Section 8601) of this division pursuant to Section 8657. This exemption applies to fuel upon which a refund has been made pursuant to Section 9157.

SEC. 3. Section 10753 of the Revenue and Taxation Code is amended to read:

10753. (a) For the purposes of this part the market value of passenger vehicles as defined in Section 465 of the Vehicle Code shall be determined by the department upon the basis of the California suggested base price as herein defined and as established by the manufacturers.

(b) On all other vehicles the department shall determine the market value of the vehicle on the basis of the cost price to the purchaser as evidenced by a certificate of cost, but not including California sales or use tax or any local sales or other local tax.

(c) In the event the department is unable to ascertain the California suggested base price as herein defined in respect to any passenger vehicles by reason of the same being a specially constructed vehicle, or for any other reason, the department shall determine the market value upon the basis of the cost price to the purchaser of the vehicle as evidenced by a certificate of cost, but not including California sales or use tax or any local sales or other local tax.

(d) In the event any vehicle is modified or additions are made to the chassis or body at a cost of two hundred dollars ($200) or more, but not including any change of engine of the same type or any cost of repairs to a vehicle, the owner of such vehicle shall report any said modification or additions to the department and the department shall classify or reclassify the vehicle in its proper class as provided in Section 10753.2, taking into consideration the increase in the market value of the vehicle due to such modifications or additions, and any reclassification resulting in increase in market value shall be based on the cost to the consumer of such modifications or additions. In the event any vehicle is modified or altered resulting in a decrease in the market value thereof of two hundred dollars ($200) or more as reported to and determined by the department, the department shall classify or reclassify the vehicle in its proper class as provided in Section 10753.2.

The foregoing provisions of this subdivision shall not apply in the event the cost of any modification or additions to the chassis or body of a vehicle is less than two hundred dollars ($200) or the cost is for modifications or additions necessary to incorporate a system approved by the State Air Resources Board as meeting the emission standards set forth in subdi-

visions (a) and (b) of Section 39102 and Section 39102.5 of the Health and Safety Code.

(e) The temporary attachment of any camper, as defined in Section 243 of the Vehicle Code, to a vehicle is not a modification or addition for the purposes of subdivision (d).

(f) The attachment to a vehicle of radiotelephone equipment furnished by a telephone corporation as defined in Section 234 of the California Public Utilities Code, is not a modification or addition for the purpose of subdivision (d), when such equipment is not owned by the owner of the vehicle.

(g) As used in this section, "suggested base price" means the retail price of the vehicle suggested by the manufacturer, plus destination charge and emission control devices as are required by Section 39129 of the Health and Safety Code, as reflected on the price listing affixed to the vehicle pursuant to the Federal Automobile Information Disclosure Act of 1958, but does not include the retail delivered price suggested by the manufacturer for each accessory or item of optional equipment physically attached to such vehicle at the time of its delivery to such dealer which is not included within, but is separately added to, the retail price of such vehicle as suggested by the manufacturer.

SEC. 4. Section 2402.6 is added to the Vehicle Code, to read:

2402.6. The commissioner may adopt and enforce regulations and standards with respect to fuel containers and fuel systems on vehicles using compressed or liquefied natural gas and liquefied petroleum gas used in conjunction with a propulsion system certified by the State Air Resources Board as producing as few or fewer emissions as a State Air Resources Board approved system using compressed or liquefied natural gas or liquefied petroleum gas and with respect to the operation of vehicles using such fuels to insure the safety of such equipment and vehicles and to insure the safety of persons and property using streets and highways.

SEC. 5. Section 2 of this act shall be operative from January 1, 1971 to December 31, 1975, inclusive, and shall thereafter have no force or effect.

SEC. 6. This act shall be operative only if Assembly Bill 321 of the 1970 Regular Session is enacted into law.

CHAPTER 1508

An act to amend Sections 1411, 1412, 1419, 1420, and 1432 of the Labor Code, relating to fair employment practices.

[Approved by Governor September 19, 1970. Filed with Secretary of State September 19, 1970.]

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

SECTION 1. Section 1411 of the Labor Code is amended to read:

1411. It is hereby declared as the public policy of this state that it is necessary to protect and safeguard the right and opportunity of all persons to seek, obtain, and hold employment without discrimination or abridgment on account of race, religious creed, color, national origin, ancestry, or sex.

It is recognized that the practice of denying employment opportunity and discriminating in the terms of employment for such reasons foments domestic strife and unrest, deprives the state of the fullest utilization of its capacities for development and advance, and substantially and adversely affects the interests of employees, employers, and the public in general.

This part shall be deemed an exercise of the police power of the state for the protection of the public welfare, prosperity, health, and peace of the people of the State of California.

SEC. 2. Section 1412 of the Labor Code is amended to read:

1412. The opportunity to seek, obtain and hold employment without discrimination because of race, religious creed, color, national origin, ancestry, or sex is hereby recognized as and declared to be a civil right.

SEC. 3. Section 1419 of the Labor Code is amended to read:

1419. The commission shall have the following functions, powers and duties:

(a) To establish and maintain a principal office and such other offices within the state as the Legislature authorizes.

(b) To meet and function at any place within the state.

(c) To appoint an attorney, and such clerks and other employees as it may deem necessary, fix their compensation within the limitations provided by law, and prescribe their duties.

(d) To obtain upon request and utilize the services of all governmental departments and agencies.

(e) To adopt, promulgate, amend, and rescind suitable rules and regulations to carry out the provisions of this part.

(f) To receive, investigate and pass upon complaints alleging discrimination in employment because of race, religious creed, color, national origin, ancestry, or sex.

(g) To hold hearings, subpoena witnesses, compel their attendance, administer oaths, examine any person under oath and, in connection therewith, to require the production of any books or papers relating to any matter under investigation or in question before the commission.

(h) To create such advisory agencies and conciliation councils, local or otherwise, as in its judgment will aid in effectuating the purposes of this part, and may empower them to study the problems of discrimination in all or specific fields of human relationships or in specific instances of discrimination because of race, religious creed, color, national origin, ancestry, or sex, and to foster through community effort or otherwise good will, cooperation, and conciliation among the groups and elements of the population of the state and to make recommendations to the commission for the development of policies and procedures in general. Such advisory agencies

and conciliation councils shall be composed of representative citizens, serving without pay.

(i) To issue such publications and such results of investigations and research as in its judgment will tend to promote good will and minimize or eliminate discrimination because of race, religious creed, color, national origin, ancestry, or sex.

(j) To render annually to the Governor and biennially to the Legislature a written report of its activities and of its recommendations.

SEC. 4. Section 1420 of the Labor Code is amended to read:

1420. It shall be an unlawful employment practice, unless based upon a bona fide occupational qualification, or, except where based upon applicable security regulations established by the United States or the State of California:

(a) For an employer, because of the race, religious creed, color, national origin, ancestry, or sex of any person, to refuse to hire or employ him or to refuse to select him for a training program leading to employment, or to bar or to discharge such person from employment or from a training program leading to employment, or to discriminate against such person in compensation or in terms, conditions or privileges of employment.

(b) For a labor organization, because of the race, religious creed, color, national origin, ancestry, or sex of any person, to exclude, expel or restrict from its membership such person, or to provide only second-class or segregated membership or to discriminate against any person because of the race, religious creed, color, national origin, ancestry, or sex of such person in the election of officers of the labor organization or in the selection of the labor organization's staff or to discriminate in any way against any of its members or against any employer or against any person employed by an employer.

(c) For any person to discriminate against any person in the selection or training of that person in any apprenticeship training program or any other training program leading to employment because of the race, religious creed, color, national origin, ancestry, or sex of the person discriminated against.

(d) For any employer or employment agency to print or circulate or cause to be printed or circulated any publication, or to use any form of application for employment or to make any inquiry in connection with prospective employment, which expresses, directly or indirectly, any limitation, specification or discrimination as to race, religious creed, color, national origin, ancestry, or sex or any intent to make any such limitation, specification or discrimination.

(e) For any employer, labor organization or employment agency to discharge, expel or otherwise discriminate against any person because he has opposed any practices forbidden under this act or because he has filed a complaint, testified or assisted in any proceeding under this part.

(f) For any person to aid, abet, incite, compel, or coerce the doing of any of the acts forbidden under this part, or to attempt to do so.

SEC. 5. Section 1432 of the Labor Code is amended to read:

1432. The provisions of this part shall be construed liberally for the accomplishment of the purposes thereof. Nothing contained in this act shall be deemed to repeal any of the provisions of the Civil Rights Law or of any other law of this state relating to discrimination because of race, religious creed, color, national origin, ancestry, or sex.

Nothing contained in this act shall be deemed to repeal or affect the provisions of any ordinance relating to such discrimination in effect in any city, city and county, or county at the time this act becomes effective, insofar as proceedings theretofore commenced under such ordinance or ordinances remain pending and undetermined. The respective administrative bodies then vested with the power and authority to enforce such ordinance or ordinances shall continue to have such power and authority, with no ouster or impairment of jurisdiction, until such pending proceedings are completed, but in no event beyond one year after the effective date of this act.

SEC. 6. Nothing contained in this act shall be deemed to repeal, extend, or amend any law or regulation issued pursuant thereto relating to wages, hours, or conditions of employment.

Nothing contained in this part relating to discrimination on account of sex shall be deemed to affect the operation of the terms or conditions of any bona fide retirement, pension, employee benefit, or insurance plan, provided such terms or conditions are in accordance with customary and reasonable or actuarially sound underwriting practices.

CHAPTER 1509

An act to add Sections 7315, 8613, 8615, 8651.6, 8657 and 9157 to, and amend Section 7304 of, the Revenue and Taxation Code, relating to the use fuel tax.

[Approved by Governor September 19, 1970. Filed with Secretary of State September 19, 1970.]

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

SECTION 1. Section 7304 of the Revenue and Taxation Code is amended to read:

7304. "Motor vehicle fuel" includes gasoline, natural gasoline, and any inflammable liquid, by whatever name the liquid may be known or sold, which is used or is usable for propelling motor vehicles operated by the explosion type of engine. It does not include kerosene, liquefied petroleum gas, or natural gas in liquid or gaseous form.

SEC. 2. Section 7315 is added to the Revenue and Taxation Code, to read:

7315. "Natural gas" means naturally occurring mixtures of hydrocarbon gases and vapors consisting principally of methane, whether in gaseous or liquid form.

SEC. 3. Section 8613 is added to the Revenue and Taxation Code, to read:

8613. "Natural gas" means naturally occurring mixtures of hydrocarbon gases and vapors consisting principally of methane, whether in gaseous or liquid form.

SEC. 4. Section 8615 is added to the Revenue and Taxation Code, to read:

8615. "Standard pressure and temperature" means 14.73 pounds of pressure per square inch at 60° Fahrenheit.

SEC. 5. Section 8651.6 is added to the Revenue and Taxation Code, to read:

8651.6. Notwithstanding the provisions of Sections 8651 and 8651.5, on or after January 1, 1971, the excise tax imposed upon natural gas shall be at the rate of seven cents ($0.07) for each 100 cubic feet of compressed natural gas used, measured at standard pressure and temperature, and at a rate of six cents ($0.06) for each gallon of liquid natural gas used. All references in this code to Section 8651 shall, with respect to the rate imposed upon natural gas on or after January 1, 1971, also refer to this section.

SEC. 7. Section 8657 is added to the Revenue and Taxation Code, to read:

8657. (a) No tax shall be imposed upon a fuel subject to the provisions of this part which is specified for, and subsequently utilized with, a system approved by the State Air Resources Board as meeting the emission standards set forth in subdivisions (a) and (b) of Section 39102 and Section 39102.5 of the Health and Safety Code.

(b) The State Board of Equalization may adopt an identification procedure for vehicles equipped with a system described in subdivision (a).

(c) Subdivision (a) shall not apply to diesel fuel.

SEC. 8. Section 9157 is added to the Revenue and Taxation Code, to read:

9157. Persons who have paid a tax under this part and establish to the satisfaction of the board the fuel was utilized as described in subdivision (a) of Section 8657 may claim a refund pursuant to this article.

SEC. 9. Sections 7 and 8 of this act shall become operative on January 1, 1971 and on and after December 31, 1975, shall be of no further force or effect.

SEC. 10. This act shall be operative only if Assembly Bill 9 of the 1970 Regular Session is enacted into law.

CHAPTER 1510

An act to amend Section 2120 of, and to add Chapter 1.5 (commencing with Section 2050) to Division 3 of, and Sections 2118.5 and 12016 to, the Fish and Game Code, relating to fish and game.

[Approved by Governor September 19, 1970 Filed with Secretary of State September 19, 1970]

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

SECTION 1. Section 2118.5 is added to the Fish and Game Code, to read:

2118.5. The commission may designate wild animals which may be possessed without a permit.

SEC. 2. Section 2120 of the Fish and Game Code is amended to read:

2120. The commission, in cooperation with the State Department of Agriculture, may promulgate regulations governing (a) the entry, transportation, keeping, confinement, or release of any and all wild animals which are being or which have been imported into this state pursuant to the provisions of this chapter, and (b) the possession of all other wild animals. The regulations shall be designed to prevent damage to the native wildlife or agricultural interests of this state resulting from the existence at large of any such wild animal.

SEC. 3. Chapter 1.5 (commencing with Section 2050) is added to Division 3 of the Fish and Game Code, to read:

CHAPTER 1.5. ENDANGERED SPECIES

2050. The Legislature finds that many species and subspecies of birds, mammals, fish, amphibia, and reptiles are endangered because their habitats are threatened with destruction, drastic modification, or severe curtailment, or because of commercial exploitation through exports and imports of birds, mammals, fish, amphibia, and reptiles, or by other means, or because of disease, predation, or other factors.

2051. These definitions govern the construction of this chapter:

(a) "Endangered animal" is an animal of a species or subspecies of birds, mammals, fish, amphibia, or reptiles, the prospects of survival and reproduction of which are in immediate jeopardy from one or more causes, including loss of habitat, change in habitat, overexploitation, predation, competition, or disease.

(b) "Rare animal" is an animal of a species or subspecies of birds, mammals, fish, amphibia or reptiles that, although not presently threatened with extinction, is in such small numbers throughout its range that it may be endangered if its environment worsens.

2052. No person shall import into this state, or take, possess, or sell within this state, any bird, mammal, fish, amphibia

or reptile, or any part or product thereof, that the commission determines to be an endangered animal or rare animal, except as otherwise provided in this chapter.

2053. The commission may permit, subject to such terms and conditions as it may prescribe, the importation of any endangered animal or rare animal, or any part or product thereof, for zoological, educational or scientific purposes.

2054. The provisions of this chapter shall not prohibit the sale of any endangered animal or rare animal, or any part or product thereof, when the owner can demonstrate that such animal, part, or product was in his possession before the date upon which the commission determined that animal to be endangered or rare, and shall not prohibit the sale of such part or product by an individual not normally engaged in such sale if it was originally possessed by the seller for his own use and so used by him, except that it shall be unlawful to sell any animal, or part or product thereof, if such sale would have been unlawful prior to the date upon which the commission determined such animal to be endangered or rare.

2055. The provisions of this chapter shall not apply to the taking of fish otherwise authorized pursuant to Part 3 (commencing with Section 7600) of Division 6 of this code, nor to the possession of individual animals which were lawfully possessed before the commission determined such species or subspecies of animal to be endangered or rare.

SEC. 4. Section 12016 is added to the Fish and Game Code, to read:

12016. A violation of Section 2052 or 2053 is punishable by a fine of not more than five hundred dollars ($500) or imprisonment for not more than six months, or both.

CHAPTER 1511

An act to amend Section 6369 of the Revenue and Taxation Code, relating to exemption of medicines from sales and use taxes.

[Approved by Governor September 19, 1970. Filed with Secretary of State September 19, 1970.]

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

SECTION 1. Section 6369 of the Revenue and Taxation Code is amended to read:

6369. (a) There are exempted from the taxes imposed by this part the gross receipts from the sale, and the storage, use, or other consumption, in this state of medicines:

(1) Prescribed for the treatment of a human being by a person authorized to prescribe the medicines, and dispensed on prescription filled by a registered pharmacist in accordance with law, or

(2) Furnished by a licensed physician and surgeon, dentist, or podiatrist to his own patient for treatment of the patient, or

(3) Furnished by a hospital for treatment of any person pursuant to the order of a licensed physician and surgeon, dentist, or podiatrist, or

(4) Sold to a licensed physician and surgeon, podiatrist, dentist, or hospital for the treatment of a human being.

(5) Sold to this state or any political subdivision or municipal corporation thereof, for use in the treatment of a human being; or furnished for the treatment of a human being by a medical facility or clinic maintained by this state or any political subdivision or municipal corporation thereof.

(b) "Medicines" as used in this section mean and include any substance or preparation intended for use by external or internal application to the human body in the diagnosis, cure, mitigation, treatment or prevention of disease and which is commonly recognized as a substance or preparation intended for such use; provided that "medicines" do not include (1) any auditory, prosthetic, ophthalmic or ocular device or appliance, (2) articles which are in the nature of splints, bandages, pads, compresses, supports, dressings, instruments, apparatus, contrivances, appliances, devices, or other mechanical, electronic, optical or physical equipment or article or the component parts and accessories thereof, (3) any alcoholic beverage the manufacture, sale, purchase, possession or transportation of which is licensed and regulated by the Alcoholic Beverage Control Act (Division 9, commencing with Section 23000, of the Business and Professions Code).

(c) Notwithstanding subdivision (b), "medicines" as used in this section mean and include sutures, whether or not permanently implanted, bone screws, bone pins, pacemakers, and other articles permanently implanted in the human body to assist the functioning of any natural organ, artery, vein, or limb and which remain or dissolve in the body.

(d) "Hospital" as used in this section has the meaning ascribed to it in Section 1401 of the Health and Safety Code.

(e) Insulin furnished by a registered pharmacist to a person for treatment of diabetes as directed by a physician shall be deemed to be dispensed on prescription within the meaning of this section.

SEC. 2. This act shall become operative on July 1, 1971.

CHAPTER 1512

An act to amend Sections 18401 and 18502 of the Health and Safety Code, relating to mobilehome parks.

[Approved by Governor September 19, 1970 Filed with Secretary of State September 19, 1970.]

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

SECTION 1. Section 18401 of the Health and Safety Code is amended to read:

18401. The enforcement agency shall inspect each mobilehome park at least once biennially to determine compliance with this part.

SEC. 2. 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) Annual operating permit fee of twenty-five dollars ($25) and an additional one dollar ($1) per lot.

(c) Change in name, transfer of ownership, or possession fee ten dollars ($10).

(d) Duplicate or amended permit fee ten dollars ($10).

CHAPTER 1513

An act to amend Section 927 of the Penal Code, to amend Sections 28101, 28102, 28103, 28104, 28105, 28106, 28107, 28108, 28109, 28110, 28111, 28112, 28113, 28114, 28115, 28116, 28117, 28118, 28119, 28120, 28121, 28122, 28123, 28124, 28125, 28126, 28127, 28128, 28129, 28130, 28131, 28132, 28133, 28134, 28135, 28136, 28137, 28138, 28139, 28140, 28141, 28142, 28143, 28144, 28145, 28146, 28147, 28148, 28149, 28150, 28151, 28152, 28153, 28154, 28155, 28156, 28157, 28158 and 28160 of, to add Chapter 12 (commencing with Section 76000) to Title 8 of, and to repeal Section 28103.1 and Article 10 (commencing with Section 25180) of Chapter 1 of Part 2 of Division 2 of Title 3 of, and to repeal Article 4.5 (commencing with Section 53070) of Chapter 1 of Part 1 of Division 2 of Title 5 of, the Government Code, relating to county officers.

[Approved by Governor September 19, 1970. Filed with Secretary of State September 19, 1970.]

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

SECTION 1. Article 10 (commencing with Section 25180) of Chapter 1 of Part 2 of Division 2 of Title 3 of the Government Code is repealed.

SEC. 2. Section 28101 of the Government Code is amended to read:

28101. In a county of the first 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.

SEC. 3. Section 28102 of the Government Code is amended to read:

28102. In a county of the second class each supervisor shall receive as compensation for the services required by him by law or by virtue of his office sixteen thousand dollars ($16,000) per year and his necessary expenses when attending to the business of the county; provided, however, that such compensation of a supervisor shall be reduced by the amount received by him for his services as a member of any district board or other public board or commission, including but not limited to a sanitation district board; provided further, that the amount or amounts received by him for his services as a member of one or more such district boards or other public boards or commissions shall not exceed in total amount sixteen thousand dollars ($16,000) per year. All other officers shall receive as compensation for the services required of them by law or by virtue of their offices the salaries and fees fixed pursuant to the charter of the county.

In the event that a county of a second class fails to adopt or maintain a charter provision or an ordinance incorporating the substance of Article 2 (commencing with Section 8920) of Chapter 1 of Part 1 of Division 2 of Title 2 of the Government Code with regard to members of the board of supervisors, the annual salary of each member of the board of supervisors shall be reduced to twelve thousand five hundred dollars ($12,500) per year.

SEC. 4. Section 28103 of the Government Code is amended to read:

28103. In a county of the third class each supervisor shall receive as compensation for the services required of him by law or by virtue of his office seventeen thousand dollars ($17,000) a year.

SEC. 4.5. Section 28103.1 of the Government Code is repealed.

SEC. 4.6. Section 28104 of the Government Code is amended to read:

28104. In a county of the fourth 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.

SEC. 5. Section 28105 of the Government Code is amended to read:

28105. In a county of the fifth class, each supervisor shall receive fifteen thousand dollars ($15,000) a year and the necessary and actual expenses incurred in the performance of the duties of his office.

SEC. 6. Section 28106 of the Government Code is amended to read:

28106. In a county of the sixth class, each supervisor shall receive fifteen thousand dollars ($15,000) a year.

SEC. 7. Section 28107 of the Government Code is amended to read:

28107. In a county of the seventh class each supervisor shall receive sixteen thousand five hundred dollars ($16,500) a year 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.

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. 8. Section 28108 of the Government Code is amended to read:

28108. In a county of the eighth class each supervisor shall receive thirteen thousand two hundred dollars ($13,200) a year and seven cents ($0.07) for each mile traveled to and from his residence to the county seat. Not more than one mileage at any one regular or special meeting of the board shall be allowed. The compensation provided in this section to be paid to each member of the board is in full for all official services performed by him in any public capacity.

SEC. 9. Section 28109 of the Government Code is amended to read:

28109. In a county of the ninth class each supervisor shall receive as compensation for the services required of him by law or by virtue of his office sixteen thousand five hundred dollars ($16,500) a year and eight cents ($0.08) for each mile actually traveled when engaged in official business in the county.

SEC. 10. Section 28110 of the Government Code is amended to read:

28110. In a county of the 10th class, each supervisor shall receive fourteen thousand five hundred dollars ($14,500) a year for personal services performed by him as supervisor and member of the board of equalization. Each supervisor shall be allowed expenses necessarily incurred in the conduct of his office. He shall file an itemized statement, supported by receipts and vouchers, on the first day of each month, designating the actual expenditure on his part of such expenses for the preceding month. No allowance shall be made to him for such expenses unless they are itemized and designated in his claim.

No official of the county whose compensation is fixed by this section shall receive any other compensation in any form in any other capacity from the county. The salaries and expenses provided are in full compensation for the services required of them by law, or by virtue of their offices, and all other fees, mileage, or other remuneration or compensation of any kind or character received by such officers for or

by reason of any duty imposed by law on them or by virtue of their offices shall be paid by them into the county treasury at the times and in the manner required by law, except that until the county provides for them and makes available to their use such automobiles as are reasonably necessary to carry out the duties of their offices, they may retain for their own use and benefit such mileage as is allowed by law. In lieu of the mileage allowed members of the board of supervisors, each member shall be supplied by the county with an automobile for use in performance of official duties. All expenses for fuel, oil, supplies, upkeep, and maintenance of automobiles for members of the board of supervisors shall be paid from county funds.

SEC. 11. Section 28111 of the Government Code is amended to read:

28111. In a county of the 11th class, the chairman of the board of supervisors shall receive thirteen thousand seven hundred dollars ($13,700) a year and each other supervisor shall receive eleven thousand three hundred dollars ($11,300) a year. In addition, each supervisor 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.

Members of the board of supervisors shall be allowed all actual expenses which are necessary to the performance of their duties.

SEC. 12. Section 28112 of the Government Code is amended to read:

28112. In a county of the 12th class, each supervisor shall receive 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.

SEC. 13. Section 28113 of the Government Code is amended to read:

28113. In a county of the 13th class, each supervisor shall receive fifteen thousand dollars ($15,000) a year and actual and necessary expenses incurred in the performance of the duties of his office.

SEC. 14. Section 28114 of the Government Code is amended to read:

28114. In a county of the 14th class, each supervisor shall receive 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.

SEC. 15. Section 28115 of the Government Code is amended to read:

28115. In a county of the 15th class, each supervisor shall receive 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.

SEC. 16. Section 28116 of the Government Code is amended to read:

28116. In a county of the 16th class, each supervisor shall receive nine thousand six hundred dollars ($9,600) a year, except that the chairman of the board shall receive an additional compensation of one thousand two hundred dollars ($1,200) a year for services rendered as chairman and the necessary and actual expenses incurred in the performance of the duties of his office.

SEC. 17. Section 28117 of the Government Code is amended to read:

28117. In a county of the 17th class, each supervisor shall receive 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 ten cents ($0.10) 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.

SEC. 18. Section 28118 of the Government Code is amended to read:

28118. In a county of the 18th class, each supervisor shall receive 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.

SEC. 19. Section 28119 of the Government Code is amended to read:

28119. In a county of the 19th class, each supervisor shall receive ten thousand two hundred dollars ($10,200) a year and mileage at the rate of eleven cents ($0.11) for each mile traveled when on official county business. 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.

SEC. 20. Section 28120 of the Government Code is amended to read:

28120. In a county of the 20th class, each supervisor shall receive sixteen thousand dollars ($16,000) a year for all services required by law or by virtue of the office, and 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.

SEC. 21. Section 28121 of the Government Code is amended to read:

28121. In a county of the 21st class, each supervisor shall receive twelve thousand dollars ($12,000) a year 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.

SEC. 22. Section 28122 of the Government Code is amended to read:

28122. In a county of the 22nd class, each supervisor shall receive ten thousand eight hundred dollars ($10,800) a year for all services rendered including mileage. When required in the performance of his duties to travel to any point outside the county, and when such travel is made in other than a county vehicle, he shall be entitled to mileage reimbursement not to exceed five cents ($0.05) per mile. He shall be allowed actual costs for expenses incurred in such travel to any point outside of the county.

SEC. 23. Section 28123 of the Government Code is amended to read:

28123. In a county of the 23rd class, each supervisor shall receive twelve thousand five hundred dollars ($12,500) a year, and necessary traveling expenses incurred in the performance of his official duties, and mileage at fifteen cents ($0.15) a mile for all distances traveled by him as supervisor.

SEC. 24. Section 28124 of the Government Code is amended to read:

28124. In a county of the 24th class, each supervisor shall receive 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.

SEC. 25. Section 28125 of the Government Code is amended to read:

28125. In counties of the 25th class, each member of the board of supervisors shall receive 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.

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.

SEC. 26. Section 28126 of the Government Code is amended to read:

28126. In counties of the 26th class, each supervisor shall receive nine thousand six hundred dollars ($9,600) a year for all services performed by him as supervisor, member of the board of equalization, or in any other capacity, and each supervisor shall be provided transportation for all his official duties, or shall receive mileage at the rate of ten cents ($0.10) for each mile actually traveled within the county in the performance of his official duties, or in going to or from any meeting of said board when traveling by automobile, and all actual and necessary traveling expenses when traveling on county business outside the county.

SEC. 27. Section 28127 of the Government Code is amended to read:

28127. In a county of the 27th class, each supervisor shall receive nine thousand dollars ($9,000) a year for all services

required of him as supervisor 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.

SEC. 28. Section 28128 of the Government Code is amended to read:

28128. In a county of the 28th class, each supervisor shall receive seven thousand two hundred dollars ($7,200) a year, which is in full for all services performed by him as supervisor. Each supervisor shall be allowed one hundred dollars ($100) a month as an allowance for mileage traveled within the county in attending the meetings of the board of supervisors and in performing other duties as supervisor, which shall be paid on the first day of each month irrespective of the number of miles traveled within the county. If it is necessary for a supervisor to travel outside the county on official matters pertaining to his duties as supervisor, he shall receive actual and necessary expenses and mileage, and shall file a demand in the same manner as other county officers. Each supervisor may use an automobile provided and maintained by the county in connection with the performance of official duties within and without the county. If an automobile is furnished at county expense, it is in lieu of mileage, except if the automobile is not available at all times through accident or otherwise, mileage at the rate of ten cents ($0.10) a mile shall be allowed during the period of nonavailability. If a supervisor is not furnished an automobile at county expense and it is necessary for him to travel outside the county on official business and transportation is not furnished by common carrier, mileage at the rate of ten cents ($0.10) a mile for all mileage actually traveled outside the county shall be paid.

As additional compensation and salary to the officers mentioned in this section, the county shall pay one-third of the insurance premium for group life, accident, and health insurance, if such officers are covered by group insurance.

SEC. 29. Section 28129 of the Government Code is amended to read:

28129. In a county of the 29th class, each supervisor shall receive eight thousand four hundred dollars ($8,400) a year for all services performed by him as supervisor and as ex officio member of the Board of Supervisors of the Napa County Flood Control and Water Conservation District, 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.

SEC. 30. Section 28130 of the Government Code is amended to read:

28130. In a county of the 30th class, each supervisor shall receive 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.

SEC. 31. Section 28131 of the Government Code is amended to read:

28131. In a county of the 31st class, each supervisor shall receive eleven thousand dollars ($11,000) 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.

SEC. 32. Section 28132 of the Government Code is amended to read:

28132. In a county of the 32nd class, each supervisor shall receive 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.

SEC. 33. Section 28133 of the Government Code is amended to read:

28133. In a county of the 33rd class, each supervisor shall receive 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.

SEC. 34. Section 28134 of the Government Code is amended to read:

28134. In a county of the 34th class, each supervisor shall receive eight thousand four hundred dollars ($8,400) a year for all services performed by him as supervisor, member of the board of equalization, and in any other capacity, and all actual and necessary traveling expenses when traveling on county

business. The traveling expenses, exclusive of meals and hotel accommodations, shall not exceed ten cents ($0.10) per mile.

SEC. 35. Section 28135 of the Government Code is amended to read:

28135. In a county of the 35th class, each supervisor shall receive eight thousand dollars ($8,000) a year, except that the chairman of the board of supervisors shall receive eight thousand six hundred dollars ($8,600) a year for all services required of him as supervisor. Each supervisor shall also receive the following mileage and traveling expenses: when using a privately owned automobile, ten cents ($0.10) for each mile actually traveled each way: (1) in going to and from his residence to the courthouse in attending each day's session of the regular and special meetings of the board of supervisors and in attending each day's session of the meetings of the board of supervisors when the board convenes as a board of equalization, and (2) in the county in the performance of his duties as supervisor and as a member of the county board of equalization. When traveling in a privately owned automobile each member of the board of supervisors shall also be allowed mileage at the rate of ten cents ($0.10) a mile or railroad or bus fare, together with other traveling expenses incurred in traveling to and from places outside of the county when he is on county business authorized by the board of supervisors.

SEC. 36. Section 28136 of the Government Code is amended to read:

28136. In a county of the 36th class, each supervisor shall receive six thousand dollars ($6.000) a year.

SEC. 37. Section 28137 of the Government Code is amended to read:

28137. In a county of the 37th class, each supervisor shall receive seven thousand two hundred dollars ($7,200) a year and his actual expenses while attending to the business of the county by the order of the board of supervisors and mileage at the rate of fifteen cents ($0.15) a mile one way, for traveling from his residence to the county seat to attend regular, special and adjourned sessions of the board of supervisors.

SEC. 38. Section 28138 of the Government Code is amended to read:

28138. In a county of the 38th class, each supervisor shall receive 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.

SEC. 39. Section 28139 of the Government Code is amended to read:

28139. In a county of the 39th class, each supervisor shall receive seven thousand eight hundred dollars ($7,800) a year, except that the chairman of the board of supervisors shall receive eight thousand four hundred dollars ($8,400) 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.

SEC. 40. Section 28140 of the Government Code is amended to read:

28140. In a county of the 40th class each supervisor shall receive six thousand two hundred dollars ($6,200) a year and mileage at the rate of ten cents ($0.10) a mile for miles actually and necessarily traveled between his place of residence and the county courthouse, for the purpose of attending regular meetings of the board of supervisors.

SEC. 41. Section 28141 of the Government Code is amended to read:

28141. In a county of the 41st class, each supervisor shall receive 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.

SEC. 42. Section 28142 of the Government Code is amended to read:

28142. In a county of the 42nd class, each supervisor shall receive four thousand two hundred dollars ($4,200) a year and eight cents ($0.08) a mile for mileage and expenses in traveling from his residence to the county seat, but only one mileage shall be allowed for any regular or special session of the board. Actual expense outside the county shall be allowed and paid.

SEC. 43. Section 28143 of the Government Code is amended to read:

28143. In a county of the 43rd class, each supervisor shall receive six thousand dollars ($6,000) a year and mileage at the rate of twenty cents ($0.20) for each mile actually traveled in the discharge of his duties as supervisor, not to exceed six hundred dollars ($600) a year. Each supervisor shall also receive his necessary expenses when the performance of his duty as supervisor takes him out of the county.

SEC. 44. Section 28144 of the Government Code is amended to read:

28144. In a county of the 44th class, each supervisor shall receive four thousand two hundred dollars ($4,200) a year and twenty cents ($0.20) a mile for traveling expenses from his residence to the county seat, and also necessary expenses when on official business outside the county.

SEC. 45. Section 28145 of the Government Code is amended to read:

28145. In a county of the 45th class, each supervisor shall receive 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.

SEC. 46. Section 28146 of the Government Code is amended to read:

28146. In a county of the 46th class, each supervisor shall receive four thousand five hundred dollars ($4,500) a year for his services as supervisor, and ten cents ($0.10) a mile when traveling while engaged in official business in the county.

SEC. 47. Section 28147 of the Government Code is amended to read:

28147. In a county of the 47th class, each supervisor shall receive six thousand dollars ($6,000) 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.

SEC. 48. Section 28148 of the Government Code is amended to read:

28148. In a county of the 48th class, each supervisor shall receive five thousand four hundred dollars ($5,400) a year and mileage for each regular or special meeting of the board for each day's attendance, at ten cents ($0.10) a mile actually traveled. Each supervisor shall also receive his necessary expenses when the performance of his duty as supervisor takes him out of the county.

SEC. 49. Section 28149 of the Government Code is amended to read:

28149. In a county of the 49th class, each supervisor shall receive 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.

SEC. 50. Section 28150 of the Government Code is amended to read:

28150. In a county of the 50th class, each supervisor shall receive five thousand seven hundred dollars ($5,700) a year and twelve cents ($0.12) a mile for each mile actually traveled and necessarily traveled when traveling within or without the county on county business, such compensation to be in full for services as supervisor.

SEC. 51. Section 28151 of the Government Code is amended to read:

28151. In a county of the 51st class, each supervisor shall receive 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.

SEC. 52. Section 28152 of the Government Code is amended to read:

28152. In a county of the 52nd class, each supervisor shall receive five thousand four hundred dollars ($5,400) a year for his services as supervisor and ten cents ($0.10) a mile for traveling from his residence to the county seat and return for each regular or special session of the board. The chairman of the board of supervisors shall receive an additional six hundred dollars ($600) a year for his services as chairman.

SEC. 53. Section 28153 of the Government Code is amended to read:

28153. In a county of the 53rd class, each supervisor shall receive five thousand four hundred dollars ($5,400) a year 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.

SEC. 54. Section 28154 of the Government Code is amended to read:

28154. In a county of the 54th class, each supervisor shall receive five thousand four hundred dollars ($5,400) a year and mileage at the rate of fifteen cents ($0.15) a mile in traveling from his residence to attend regular meetings of the board and in returning.

Each supervisor shall also be allowed fifteen cents ($0.15) a mile for each mile actually traveled in inspecting county roads, not to exceed three hundred dollars ($300) annually.

SEC. 55. Section 28155 of the Government Code is amended to read:

28155. In a county of the 55th class, each supervisor shall receive six thousand dollars ($6,000) a year for all services required of him by law in any capacity, and 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. The chairman of the board of supervisors shall receive an additional 20 percent annual salary for his services as chairman.

SEC. 56. Section 28156 of the Government Code is amended to read:

28156. In a county of the 56th class, each supervisor shall receive three thousand six hundred dollars ($3,600) a year for all services rendered as supervisor and member of the board of equalization. He shall also receive twenty cents ($0.20) for

each mile traveled one way to board meetings and his actual and necessary traveling expenses when traveling by order of the board of supervisors on county business outside of the county.

SEC. 57. Section 28157 of the Government Code is amended to read:

28157. In a county of the 57th class, each supervisor shall receive four thousand eight hundred dollars ($4,800) a year and twenty cents ($0.20) a mile one way to board meetings.

SEC. 58. Section 28158 of the Government Code is amended to read:

28158. In a county of the 58th class, each supervisor shall receive one thousand eight hundred dollars ($1,800) 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.

SEC. 58.5. Section 28160 of the Government Code is amended to read:

28160. The compensation provided by Sections 28101 to 28158, inclusive, shall be payable to incumbent officers. If it is not legally competent to pay the compensation provided by these sections to incumbent officers, such increase in compensation shall nevertheless be payable to the officers designated in these sections as soon as it is legally competent to do so.

SEC. 62. Section 927 of the Penal Code is amended to read:

927. Every grand jury first impaneled in even-numbered years shall investigate and report upon the needs for increase or decrease in salaries of the county district attorney, and the auditor. Upon request, each such grand jury shall grant personal interviews with the officials concerned. Each such grand jury shall cause a copy of such report to be transmitted to the board of supervisors.

As often as may be required, the grand jury shall investigate and report upon the need for increase in the salaries of the members of the board of supervisors. The grand jury shall transmit a copy of any such report to the Legislature.

SEC. 62.5. Article 4.5 (commencing with Section 53070) of Chapter 1 of Part 1 of Division 2 of Title 5 of the Government Code is repealed.

SEC. 63. Chapter 12 (commencing with Section 76000) is added to Title 8 of the Government Code, to read:

CHAPTER 12. COMPENSATION OF GRAND JURORS, TRIAL JURORS AND WITNESSES

76000. For the purpose of regulating the compensation of jurors and witnesses as provided in this chapter, the several counties of the state are classified according to their population, as ascertained and determined in Section 28020.

76001. In a county of the first class, each member of the grand jury shall be allowed ten dollars ($10) 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 jury quorum of 12 is not present, and mileage, at the rates payable to officers and employees of such county, for each mile actually and necessarily traveled in attending meetings of the grand jury, or any session of a grand jury committee duly called by the foreman or committee chairman.

76002. In a county of the second class the fees of the grand jurors are ten dollars ($10) for each day's attendance and mileage at the rate of ten cents ($0.10) a mile necessarily traveled in attending court, in going and returning.

The fees of trial jurors in the superior courts are the amounts provided by law for each day's attendance and mileage at the rate of fifteen cents ($0.15) a mile for each mile necessarily traveled in attending court, in going only. In criminal cases fees and mileage of trial jurors in the superior court shall be paid by the treasurer of the county out of the general fund of the county upon warrants drawn by the county auditor upon the written order of the judge of the court in which the juror was in attendance, and the treasurer of the county shall pay the warrants.

76003. In a county of the third class the fees of grand jurors and trial jurors in the superior court and the municipal courts are five dollars ($5) and mileage at the rate of fifteen cents ($0.15) per mile for each mile necessarily traveled from their residence, in going only, for each day's attendance upon the court or a session or committee meeting of the grand jury and are a charge against the county and paid from county funds unless deposited by litigants or otherwise provided for. Fees of jurors for services rendered in any calendar month are payable on or about the first day of the following month, as certified to by the district attorney as to grand jurors and as certified to by the clerk of the court in which the juror appeared as to trial jurors.

76004. In a county of the fourth class, the fees of grand jurors and trial jurors in the superior court, and trial jurors in the municipal court, in both civil and criminal cases, shall be six dollars ($6) for each day's attendance upon the court or a session of the grand jury. Notwithstanding any other provisions in law, trial jurors and grand jurors shall not be paid any mileage for travel either coming or going in attending the court or a session of the grand jury. Fees of grand jurors and trial jurors in criminal cases shall be a charge against the county or city and county and shall be paid from county or city and county funds on or about the first day of the following month as certified to by the court. Fees in civil cases, unless otherwise provided for, are to be deposited by the litigants and shall be payable to jurors only for each day's actual service upon a jury.

76005. In a county of the fifth class, trial jurors in superior courts and municipal courts shall receive for each day's at-

tendance in court, five dollars ($5) a day. Grand jurors shall receive for each day's attendance, upon regularly called jury meetings, committee meetings, or when appointed by the foreman of a grand jury to make individual investigations, twenty-five dollars ($25) a day; provided, that a grand juror shall receive a maximum of not to exceed seventy-five dollars ($75) for any week. 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.

76006. In a county of the sixth class, 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.

76007. In a county of the seventh class, jurors' fees shall be as follows: 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); for attending 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) shall be allowed; 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.

76008. In a county of the eighth class, the fee for trial jurors for attendance in any court is five dollars ($5) for each day's attendance and mileage at the rate of fifteen cents ($0.15) a mile for each mile actually and necessarily traveled in attending upon court, in going only, the mileage to be computed for daily attendance, irrespective of whether the daily attendance covers one or more sessions of court.

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, jurors shall receive five dollars ($5). For each mile actually traveled, in going only, in attending court as a juror, meetings of the grand jury, grand jury committee meetings, and in making investi-

gations upon the order of the grand jury, fifteen cents ($0.15) shall be allowed.

76009. In a county of the ninth class, in addition to the fee for trial jurors for attendance in any court otherwise provided for by law the board of supervisors may, by resolution, establish a parking allowance for such trial jurors for parking expense necessarily incurred by them in the performance of their duties as trial jurors. The parking allowance in civil cases shall be deposited and shall be deemed a cost of suit for all purposes and in the same manner as jury fees in such civil cases.

Each grand juror shall receive for each day's attendance, eight dollars ($8) and for each mile actually and necessarily traveled from his residence to the county seat, in going only, twenty cents ($0.20) to be allowed but once during each session the juror is required to attend. Each grand juror shall receive for each day's attendance at any committee meeting or session called by a grand jury committee chairman, five dollars ($5).

76010. In a county of the 10th class, grand jurors and trial jurors shall receive six dollars ($6) a day and mileage for each attendance at the rate of ten cents ($0.10) for each mile actually traveled. Grand jurors shall also receive as compensation three dollars ($3) for each day's attendance as a member of any committee of the grand jury called by the secretary or committee of the grand jury or committee chairman and mileage at ten cents ($0.10) for each mile actually traveled in attending such committee meeting.

76011. In a county of the 11th class, grand jurors and trial jurors in the superior court, municipal court, and justice courts shall receive 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.

76012. In a county of the 12th class, 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.

The board of supervisors may increase the mileage rates for jurors to rates equal to mileage rates paid to county officers and employees.

76013. In a county of the 13th class, 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, each juror shall be allowed 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, each juror shall be allowed 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, each juror shall be allowed 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.

76014. In a county of the 14th class, for attendance in the superior court each trial juror shall be allowed five dollars ($5) for each day's 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.

76015. In a county of the 15th class, 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, each juror shall be allowed 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) shall be allowed for each mile actually traveled.

76016. In a county of the 16th class, grand jurors and trial jurors in the superior court and municipal courts shall receive for each day's attendance in court, upon regularly called jury meetings, committee meetings, or when appointed by the fore-

man of a grand jury to make individual investigations, five dollars ($5) a day. In justice courts, jurors shall receive for each day's attendance five dollars ($5). Grand jurors and trial jurors shall receive fifteen cents ($0.15) 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. The fees of all trial jurors in civil cases shall be paid by the litigants as other costs are paid.

76017. In a county of the 17th class grand jurors, for each day's attendance including each day's attendance at committee meetings, upon the order of the grand jury, shall receive ten dollars ($10), trial jurors in the superior court, six dollars ($6), and trial jurors in the justice court, six dollars ($6) for each day's attendance; provided, that trial jurors shall receive ten dollars ($10) per day for each day's attendance if sitting on the jury at the commencement of trial. In addition, for attending court as a juror, or for attending meetings of the grand jury or its committee meetings, each juror shall receive necessary expenses and ten cents ($0.10) for each mile actually traveled.

76018. In a county of the 18th class, 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, each juror shall receive 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, each juror shall receive 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, each juror shall receive two dollars ($2) a day. For each mile actually traveled in attending court as a juror, each juror shall receive seven cents ($0.07) a mile each way from the place of residence to the court.

76019. In a county of the 19th class, for acting as a grand juror or as a trial juror in the superior court, each juror shall be paid five dollars ($5) for each day's attendance and mileage as allowed county employees traveling on county business for each mile actually traveled. At regularly called grand jury meetings, or committee meetings, or when appointed by the foreman of the grand jury to make individual investigations, grand jurors shall be paid five dollars ($5) and mile-

age as allowed county employees traveling on county business for each mile actually traveled.

76020. In a county of the 20th class, 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, at the rate of ten cents ($0.10) for each mile actually and necessarily traveled.

76021. In a county of the 21st class, trial jurors shall receive five dollars ($5) per day.

Each grand juror shall receive 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.

76022. In a county of the 22nd class, trial jurors in the superior court shall receive five dollars ($5) for each day's attendance. In addition, mileage fees shall be allowed trial jurors for attendance in court at the rate of fourteen cents ($0.14) for each mile traveled one way each day.

Grand jurors shall receive five dollars ($5) for each day's attendance upon the duly called sessions of the grand jury. In addition, mileage fees shall be allowed grand jurors for attendance at grand jury sessions at the rate of fourteen cents ($0.14) for each mile traveled one way each day.

76023. In a county of the 23rd class, 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.

76024. In a county of the 24th class, for each day's attendance as a grand juror or a trial juror in the superior court, each juror shall receive three dollars ($3) a day; and 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.

76025. In a county of the 25th class, 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.

76026. In a county of the 26th class, grand jurors in the superior court shall receive ten dollars ($10) for each day's attendance and ten cents ($0.10) for each mile actually traveled in attending court as such jurors. Such per diem and mileage allowance shall be paid to grand jurors for attendance at meetings of committees appointed by the foreman of the grand jury and to grand jurors making individual investigations when such investigations are authorized in writing by the foreman. Trial jurors in the superior court shall receive five dollars ($5) for the first day's attendance at court and seven dollars ($7) for each succeeding day's attendance, together with fifteen cents ($0.15) for each mile traveled in attending court as such jurors, one way only.

76027. In a county of the 27th class, 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, shall receive 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, shall receive 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.

76028. In a county of the 28th class, grand jurors, 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 shall receive five

dollars ($5) per day and fifteen cents ($0.15) for each mile actually and necessarily traveled from their residences to the places of service, in going only.

Trial jurors in superior and justice courts, in civil and criminal cases, shall receive compensation and mileage as provided by law; provided, nevertheless, that the fees of all trial jurors in all civil cases shall be paid by the litigants as other costs are paid.

76029. In a county of the 29th class, grand jurors and trial jurors in the superior court shall receive 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 or in attending sessions of the grand jury, in going only. In criminal actions the fees and mileage of trial jurors shall be paid by the treasurer out of the general funds of the county upon warrants drawn by the auditor, who shall draw the warrants upon the written order of the judge of the superior court in which the jurors were in attendance.

76030. In a county of the 30th class, 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).

76031. In a county of the 31st class, 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.

76032. In a county of the 32nd class, 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.

76033. In a county of the 33rd class, grand jurors and trial jurors in the superior court shall receive six dollars ($6)

for each day's attendance, 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 three dollars ($3) for each day's attendance, and twenty cents ($0.20) 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.

76034. In a county of the 34th class, trial jurors in the superior court shall receive 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.

Grand jurors shall receive 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. Such 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.

76035. In a county of the 35th class, for attending as a juror in the superior court or in the justice courts, each juror shall be paid three dollars ($3) for each day's attendance upon the court and eight cents ($0.08) a mile for each mile actually traveled each way in attending each day's session of the court.

For serving as a grand juror, each grand juror shall be paid six dollars ($6) for each day's attendance upon the duly called sessions of the grand jury and the meetings of committees appointed by the foreman of the grand jury and for each day's service when authorized in writing by the foreman to make individual investigations. When using a privately owned automobile, each grand juror shall also be allowed eight cents ($0.08) a mile for each mile actually traveled by him each way in attending each day's sessions of the grand jury and meetings of committees appointed by the foreman of the grand jury and when making individual investigations upon being

authorized in writing to make such investigations by the foreman.

The fees and traveling expenses shall be paid 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 in the case of grand jurors and jurors attending the superior court, and upon written order of the judge of the court in which the juror was in attendance in the case of jurors attending the justice courts.

76036. In a county of the 36th class, grand jurors and trial jurors in the superior court shall receive six dollars and fifty cents ($6.50) for each day's attendance, and mileage at the rate of fifteen cents ($0.15) for each mile actually and necessarily traveled from their residences to the county seat, in going only for each and every day a juror is required by law to attend upon the particular duty assigned to him. 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.

76037. In a county of the 37th class, grand jurors and jurors in the superior court shall receive ten dollars ($10) for each day's attendance and fifteen cents ($0.15) for each mile actually traveled in attending court as a juror, and for attending regularly called grand jury meetings and grand jury committee meetings, one way. Mileage shall be paid for each time a regularly empaneled jury or grand jury is called in separate session.

76038. In a county of the 38th class, 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.

76039. In a county of the 39th class, grand jurors and all trial jurors in the superior courts shall receive 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.

76040. In a county of the 40th class, grand jurors shall receive three dollars ($3) a day 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. Trial jurors in the superior and justice courts shall receive three dollars ($3) per day for the first day and six dollars ($6) per

day thereafter during that particular trial, with mileage at the rate of eight cents ($0 08) per mile each way. In criminal cases the fees and mileage of the trial jurors in the superior court shall be paid by the treasurer out of the general fund of the county upon warrants drawn by the auditor on the written order of the judge of the court in which the jurors were in attendance, and the treasurer shall pay the warrants.

76041. In a county of the 41st class, 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.

76042. In a county of the 42nd class, grand jurors and trial jurors in the superior courts shall receive three dollars and fifty cents ($3.50) for each day's attendance and seven cents ($0.07) for each mile necessarily traveled each way in attending court. In criminal cases the fees and mileage of the trial jurors in the superior court 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 of the county shall pay the warrants. The fees of jurors in justice courts shall be two dollars and fifty cents ($2.50) for each day's attendance and mileage at the rate of seven cents ($0.07) a mile each way traveled in attending court.

76043. In a county of the 43rd class, grand jurors and trial jurors in the superior court shall receive five dollars ($5) for each day's attendance, and fifteen cents ($0.15) for each mile actually and necessarily traveled from their residence to the county seat, to be allowed but once during each session the jurors are required to attend.

76044. In a county of the 44th class, grand jurors shall receive six dollars ($6) for each day's attendance while engaged in the performance of the duties required of them, and ten cents ($0.10) a mile for the first 500 miles actually traveled, and eight cents ($0.08) for each mile actually traveled thereafter, during any one month, while acting as such jurors. The judge of the superior court shall make an order directing the auditor to draw his warrant on the treasurer in favor of the juror for the per diem and mileage, and the treasurer shall pay the warrant.

Trial jurors in the superior court shall receive six dollars ($6) for each day's attendance while engaged in the performance of the duties required of them, and ten cents ($0.10) a mile for the first 500 miles actually traveled, and eight cents ($0.08) for each mile actually traveled thereafter, during any one month, while acting as such jurors. The judge of the superior court shall make an order directing the auditor to draw

his warrant on the treasurer in favor of the juror for the per diem and mileage, and the treasurer shall pay the warrant.

76045. In a county of the 45th class, the official reporter of the superior court shall receive as full compensation for taking notes in criminal cases and orders to show cause in domestic relations cases in the superior court, before the grand jury, and for coroner's inquests, a monthly salary of six hundred dollars ($600) 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.

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.

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.

76046. In a county of the 46th class, for attending as grand juror or as trial juror, each such juror shall be paid six dollars ($6) per day for each day's attendance and mileage at the rate of twenty cents ($0.20) per mile one way.

76047. In a county of the 47th class, 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.

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.

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.

76048. In a county of the 48th class, grand jurors and trial jurors in the superior court shall receive six dollars ($6) for each day's attendance, and eight cents ($0.08) for each mile actually traveled for each day's attendance.

76049. In a county of the 49th class, 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 thirty cents ($0.30) 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 six dollars ($6), and thirty cents ($0.30) 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.

Any juror who travels seventy-five (75) or more miles, one way, to the courthouse shall be reimbursed for the cost of overnight lodging.

76050. In a county of the 50th class, grand jurors shall receive eight dollars ($8) per day and such mileage fees as are allowed by law.

Trial jurors shall receive seven dollars ($7) per day and such mileage fees as are allowed by law.

76051. In a county of the 51st class, jurors' fees shall be as follows: 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.

76052. In a county of the 52nd class, grand jurors and jurors in the superior court shall receive six dollars ($6) for each day's attendance, and twenty-five cents ($0.25) for each mile actually traveled, in going only, while acting as such

jurors. The court shall make an order directing the auditor to draw his warrant on the treasurer in favor of each juror for the per diem and mileage and the treasurer shall pay the warrant.

76053. In a county of the 53rd class, grand jurors shall receive 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 warrants.

76054. In a county of the 54th class, jurors' fees shall be as follows: for attending as a grand juror or as a trial juror in the superior court in criminal cases, five dollars ($5) for each day's attendance; for each mile actually traveled in attending upon the superior court, ten cents ($0.10). The grand jurors and trial jurors in criminal cases shall be paid by warrants drawn by the county auditor, issued upon the order of the court, or judge thereof. Jurors who serve in civil actions in the superior court shall receive five dollars ($5) a day and ten cents ($0.10) a mile for each mile actually traveled to be paid by the party demanding the jury.

76055. In a county of the 55th class, 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.

76056. In a county of the 56th class, jurors' fees shall be as follows: for each day's attendance as a grand juror or a trial juror in the superior court, six dollars ($6), and thirty-five cents ($0.35) for each mile actually traveled one way as grand juror 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.

76057. In a county of the 57th class, 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 shall draw his warrant therefor, and the treasurer shall pay the warrant.

76058. In a county of the 58th class, each grand juror shall receive 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 1514

An act to add Section 651.4 to, and Chapter 7.5 (commencing with Section 3300) to Division 2 of, the Business and Professions Code, relating to hearing aid dispensers, and making an appropriation therefor.

[Approved by Governor September 19, 1970 Filed with Secretary of State September 19, 1970]

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

SECTION 1. Section 651.4 is added to the Business and Professions Code, to read:

651.4. No person, whether or not licensed under this division, who is licensed under or who employs a person licensed under, or who has or maintains any membership, proprietary interest, stock ownership or coownership in any form with a person licensed under Chapter 5 (commencing with Section 2000), Chapter 5.5 (commencing with Section 2550), or Chapter 7 (commencing with Section 3000) of this division shall advertise or cause or permit to be advertised, any representations in any form which in any manner, whether directly or indirectly, refer to the cost, price, charge, or fee to be paid for any commodity or commodities furnished or any service or services performed by such person, when those commodities or services are furnished in connection with the practice of fitting or selling hearing aids.

SEC. 2. Chapter 7.5 (commencing with Section 3300) is added to Division 2 of the Business and Professions Code, to read:

CHAPTER 7.5. HEARING AID DISPENSERS

Article 1. General Provisions

3300. "Person," as used in this chapter, includes any individual, partnership, corporation, or other organization, or any combination thereof.

3301. "Advertise," and any of its variants, as used in this chapter, includes the use of a newspaper, magazine, or other publication, book, notice, circular, pamphlet, letter, handbill,

poster, bill, sign, placard, card, label, tag, window display, store sign, radio, television announcement, or any other means or methods now or hereafter employed to bring to the attention of the public the practice of fitting and sale of hearing aids.

3302. "Board," as used in this chapter, means the Board of Medical Examiners of the State of California.

3303. "Committee," as used in this chapter, means the Hearing Aid Dispensers Examining Committee.

3304. "License," as used in this chapter, includes a temporary license. "Licensee" means a person holding a license.

3305. "Hearing aid," as used in this chapter, means any wearable instrument or device designed for, or offered for the purpose of, aiding or compensating for impaired human hearing.

3305.5. "Director," as used in this chapter, means the Director of Professional and Vocational Standards.

3306. "Practice of fitting and selling hearing aids," as used in this chapter, means those practices used solely for the purpose of making selections, adaptations, and sale of hearing aids.

When any audiometer or other equipment is used in the practice of fitting and selling hearing aids, it shall be kept properly calibrated and in good working condition, and the calibration of such audiometer or other equipment shall be checked annually.

3306.5. In fitting hearing aids, a dispenser shall not take facial measurements or fit, adjust, or adapt lenses or spectacle frames, except that a dispenser may replace the temple or temples of a person's spectacle frames with a temple or temples incorporating hearing aid components.

3307. "Hearing aid dispenser," as used in this chapter, means a person engaged in the fitting and selling of hearing aids to an individual with impaired hearing.

3308. "Sell" or "sale" means any transfer of title or of the right to use by lease, bailment, or any other contract, excluding wholesale transactions with distributors or dealers.

Article 2. Administration

3320. There is within the jurisdiction of the board a Hearing Aid Dispensers Examining Committee which shall prepare, approve, grade, and conduct examinations of applicants for a hearing aid dispenser's license. The committee may provide that the preparation and grading of the examination be conducted by a competent person or organization other than the committee, provided, however, that the committee shall establish the guidelines for the examination and shall approve the actual examination. The committee shall consist of seven members who shall be appointed by the Governor. Four members shall be public members, one of whom shall be a licensed physician and surgeon specializing in treatment of the diseases of the ear and certified by the American Board of Otolaryngology, and another public member shall be an audiologist who

holds a certificate of clinical competency issued by the American Speech and Hearing Association. Each public member shall be a citizen of the United States, a resident of the State of California, and of good moral character. The remaining three members shall be, and shall have been for at least five years immediately preceding their appointment, engaged exclusively in this state in the practice of fitting and selling hearing aids to persons with impaired hearing. All hearing aid dispenser members, other than those first appointed, who are appointed to the committee after the date on which the board first issued a license, as provided in Section 3354, shall be persons who hold valid licenses under this chapter.

The director or his deputy shall be entitled to attend all meetings of the committee, except that neither shall have the power to vote nor shall be counted for quorum purposes.

3321. Each member of the committee, except the members first appointed, shall hold office for a term of four years. Each member shall hold office until the appointment and qualification of his successor or until one year shall have elapsed since the expiration of the term for which he was appointed, whichever first occurs.

The terms of the members of the committee who are first appointed by the Governor shall commence January 15, 1971, and shall expire as follows: one member on January 1, 1972; two members on January 1, 1973; two members on January 1, 1974; and two members on January 1, 1975.

Vacancies occurring shall be filled by appointment for the unexpired term. Each member of the board shall be eligible for reappointment in the discretion of the Governor, provided that reappointed hearing aid dispenser members shall, at the time of the reappointment, hold a valid license under this chapter. No person may serve as a member of the board more than two consecutive terms.

3322. The committee shall elect from its membership a chairman and a vice chairman who shall hold office for one year or until the election and qualification of a successor. The first election shall be held within 30 days after the committee is appointed and all subsequent elections shall be conducted annually between June 1 and June 30 of each year.

3323. Each member of the committee shall receive a per diem and expenses as provided in Section 103.

3325. All meetings of the committee shall be held in areas accessible to the public and then only upon 30 days' notice. The committee shall keep an accurate record of all of its proceedings and of all of its meetings.

3326. The board shall keep a record of all prosecutions for violations of this chapter and of all examinations held for applicants for licenses together with the names and addresses of all persons taking examinations and of their success or failure to pass them.

3327. The committee may recommend the preparation of and administration by the State Department of Education of

the course of instruction concerned with the fitting and selection of hearing aids. The committee may require that after 1975, prospective licensees shall first complete the required course of instruction or otherwise satisfy the committee that the licensee possesses the necessary background and qualifications to fit and sell hearing aids.

The committee may publish and distribute information concerning the examination requirements for obtaining a license to engage in the practice of fitting and selling hearing aids within this state.

3328. The committee may make recommendations to the board and the board shall make and promulgate rules and regulations as may be necessary to enable it to carry into effect the provisions of this chapter. All such rules and regulations shall be in accordance with, and not inconsistent with, the provisions of this chapter. Such rules and regulations shall be adopted, amended, or repealed in accordance with the provisions of Chapter 4.5 (commencing with Section 11371), Part 1, Division 3, Title 2 of the Government Code.

3329. The committee shall initiate any disciplinary investigations and proceedings for violation of this chapter and shall recommend to the board the suspension, revocation, or imposition of probationary conditions upon any licensee violating this chapter. The board may suspend or revoke or impose probationary conditions upon a licensee as recommended by the committee.

All hearings to determine violations of this chapter shall be conducted in accordance with the provisions of Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code.

3330. The committee may recommend to the board and the board may prosecute any and all persons guilty of violating any of the provisions of this chapter. The board may employ the personnel necessary to administer the provisions of this chapter, other than personnel to perform inspections or investigations, and may incur such other expenses as are necessary for the administration of this chapter. All inspections or investigations made pursuant to the provisions of this chapter shall be made by personnel from the Division of Investigations of the Department of Professional and Vocational Standards.

Article 3. Licenses

3350. It is unlawful for an individual to engage in the practice of fitting and selling of hearing aids, or to display a sign or in any other way to advertise or hold himself out as being so engaged without having first obtained a license from the board under the provisions of this chapter. Nothing in this chapter shall prohibit a corporation, partnership, trust, association or other like organization maintaining an established business address from engaging in the business of fitting and selling, or offering for sale, hearing aids at retail without a license, provided that any and all such fitting and

selling of hearing aids is conducted by individuals who are licensed pursuant to the provisions of this chapter. Such corporations, partnerships, trusts, associations or other like organizations shall file annually with the board a list of all individuals holding valid licenses who are directly or indirectly employed by them.

3351. This chapter does not apply to a person engaged in the practice of fitting hearing aids if his practice is for a governmental agency, or private clinic, or is part of the academic curriculum of an accredited institution of higher education, or part of a program conducted by a public, charitable institution or other nonprofit organization, and who does not engage directly or indirectly in the sale or offering for sale of hearing aids.

3351.3. This chapter does not apply nor affect any physician and surgeon licensed under Chapter 5 (commencing with Section 2000) of Division 2 who does not directly or indirectly engage in the sale or offering for sale of hearing aids, nor to any audiologist with a valid and current certificate of clinical competency in audiology issued by the American Speech and Hearing Association, or to an individual supervised by such certificated audiologist in conducting fitting procedures, and who does not directly or indirectly engage in the sale or offering for sale of hearing aids.

3351.5. This chapter does not apply to the bona fide sale of hearing aids by catalog or direct mail, so long as there is no fitting, selection, or adaptation of the instrument and no advice is given with respect to fitting, selection, or adaptation of the instrument and no advice is given with respect to the taking of an ear impression for an earmold.

3352. Each person desiring to obtain a license from the board to engage in the practice of fitting and selling hearing aids shall make application to the committee. The application shall be made upon a form and shall be made in such manner as is provided by the committee and shall be accompanied by the fee provided for in Section 3456.

3353. The committee may require such proof as it deems advisable concerning the honesty, truthfulness and good reputation of the applicant and, in addition, shall ascertain that the applicant satisfies all of the following requirements:

(a) A written examination compiled at the discretion of the committee covering all of the following areas as they pertain to the fitting and selling of hearing aids:

(1) Basic physics of sound.

(2) The anatomy and physiology of the ear.

(3) The function of hearing aids.

(4) Knowledge and understanding of the grounds for revocation, suspension, or probation of a license as outlined in Article 4 (commencing with Section 3400) of this chapter.

(5) Knowledge and understanding of criminal offenses as outlined in Article 5 (commencing with Section 3420) of this chapter.

(b) A demonstration of proficiency compiled at the discretion of the committee, including but not limited to the following:

(1) The procedures and use of equipment established by the committee for the fitting and selling of hearing aids.

(2) Taking earmold impressions.

(c) Evidence of knowledge regarding the medical and rehabilitation facilities for children and adults that are available in the area served.

3354. The board shall issue a license to all applicants who have satisfied the requirements of this chapter and paid the fees provided for in Section 3456. No license shall be issued to any person other than an individual.

3355. An applicant who has fulfilled the requirements of Section 3352 and has made application therefor within six months of the effective date of this chapter, and who proves to the satisfaction of the board that on the effective date of this chapter he was engaged in the fitting and selling of hearing aids at an established place of business in this state, or who was regularly serving residents of this state from a permanent place of business located within 100 miles of the borders of this state, either as a dispenser or as an employee of such dispenser, may have a temporary license issued to him which shall entitle him to continue to engage in the fitting and selling of hearing aids for a period ending 30 days after the conclusion of a qualifying examination given not earlier than 90 days after the date of issue of such temporary license. However, a person who has engaged in the fitting and selling of hearing aids at an established place of business in this state for a period of 10 years on the effective date of this act or a person who has regularly served residents of this state from a permanent place of business located within 100 miles of the borders of this state, for the 10 years previous to the effective date of this act, shall be exempt from the provisions of paragraphs (1), (2), and (3) of subdivision (a) of Section 3353.

3356. An applicant who has fulfilled the requirements of Section 3352 and has made application therefor, and proves to the satisfaction of the board that he has been engaged in the fitting and selling of hearing aids at an established place of business in a state other than the State of California for a period of two years within a five-year period immediately prior to his application, may have a temporary license issued to him which shall be valid and effective for a period ending 30 days after the conclusion of a qualifying examination given not earlier than 90 days after the date of issue of such temporary license.

3357. An applicant who has fulfilled the requirements of Section 3352, and has made application therefor, and who proves to the satisfaction of the board that he will be supervised and trained by a person who holds a valid license issued pursuant to the provisions of Section 3354 or Section 3355 or Section 3356, may have a temporary license issued to him

which shall entitle him to be engaged, under such supervision, in the fitting and selling of hearing aids for a period of six months from the date of the commencement of his employment or for a period ending 30 days after the conclusion of a qualifying examination given not earlier than 150 days after the date of issue of such temporary license, whichever is later.

Such temporary license shall be effective and valid only while the applicant remains in the employ of a person who holds a valid license issued pursuant to the provisions of Section 3354, Section 3355, or Section 3356. Such licensee shall be responsible for the supervision and training of such applicant.

3358. If a person who holds a temporary license issued under the provisions of Section 3355, 3356, or 3357, takes and fails to pass the qualifying examination referred to in such sections, the board may renew for a period ending 30 days after the conclusion of the next qualifying examination given after the date of renewal. The board shall not issue more than two renewals of such temporary license to any applicant.

3359. Every person applying for a license who desires to have such license issued under a fictitious name shall file with his application certified copies of the entry made in the register by the county clerk and the affidavit of publication made pursuant to the provisions of Chapter 2 (commencing with Section 2466) of Title 10 of Part 4 of Division 3 of the Civil Code.

3360. Examinations shall be held by the committee at least twice a year with such additional examinations as the board may direct the committee to hold. The time and place of any examination shall be fixed by the committee at least 45 days prior to the date it is to be held.

3361. No applicant shall be recommended by the committee to the board for a license who fails to obtain an average of 70 percent in every subject upon which he is examined. In case any applicant fails to pass an examination, he shall be examined at the next or any succeeding examination only in the subjects in which he failed to obtain an average of 70 percent.

3362. Before engaging in the practice of fitting and selling hearing aids, each licensee shall notify the board in writing of the address or addresses where he is to engage, or intends to engage, in the fitting and selling of hearing aids and, also, of any changes in his place of business. Any notice required to be given by the board or by the committee to a licensee may be given by United States mail to such address, postage thereon prepaid.

3363. Each holder of a license shall keep it conspicuously posted in his office or place of business at all times.

3364. If a licensee maintains more than one place of business within this state he shall apply for and procure a duplicate license for each branch office so maintained by him. Such application shall state the name of the person and the location of the place or places of business for which such duplicate license is desired.

3365. A licensee shall, upon the consummation of a sale of a hearing aid, deliver to the purchaser a written receipt, signed by or on behalf of the licensee, containing all of the following:

(a) The date of consummation of the sale.

(b) Specifications as to the make, serial number, and model number of the hearing aid or aids sold.

(c) The address of the principal place of business of the licensee.

(d) A statement to the effect that the aid or aids delivered to the purchaser are used or reconditioned, as the case may be, if that is the fact.

(e) The number of the licensee's license.

(f) The terms of any guarantee or express warranty, if any, made to the purchaser with respect to such hearing aid or hearing aids.

(g) Such receipt shall bear, or have attached to it in no smaller type than the largest used in the body copy portion, the following:

"The purchaser has been advised at the outset of his relationship with the hearing aid dealer that any examination or representation made by a licensed hearing aid dealer and fitter in connection with the practice of fitting and selling of this hearing aid, or hearing aids, is not an examination, diagnosis, or prescription by a person licensed to practice medicine in this state, or by certified audiologists and therefore must not be regarded as medical opinion or professional advice."

3365.5. Whenever any of the following conditions are found to exist either from observations by the licensee or on the basis of information furnished by the prospective hearing aid user, a licensee shall, prior to fitting and selling a hearing aid to any individual, suggest to that individual in writing that his best interests would be served if he would consult a licensed physician specializing in diseases of the ear or if no such licensed physician is available in the community then to a duly licensed physician:

(1) Visible congenital or traumatic deformity of the ear.

(2) History of, or active drainage from the ear within the previous 90 days.

(3) History of sudden or rapidly progressive hearing loss within the previous 90 days.

(4) Acute or chronic dizziness.

(5) Unilateral hearing loss of sudden or recent onset within the previous 90 days.

(6) Significant air-bone gap (when generally acceptable standards have been established).

No such referral for medical opinion need be made by any licensee in the instance of replacement only of a hearing aid which has been lost or damaged beyond repair within one year of the date of purchase. A copy of the written recommendation shall be retained by the licensee for the period provided for in Section 3366. A person receiving the written recommendation

who elects to purchase a hearing aid shall sign a receipt for the same, and the receipt shall be kept with the other papers retained by the licensee for the period provided for in Section 3366. Nothing in this section required to be performed by a licensee shall mean that the licensee is engaged in the diagnosis of illness or the practice of medicine or any other activity prohibited by the provisions of this code.

3365.6. No hearing aid shall be sold by an individual licensed under this chapter, to a person 16 years of age or younger, unless within the preceding six months a recommendation for a hearing aid has been made by both a board-certified, or a board-eligible physician specializing in otolaryngology, and by an audiologist certified by the American Speech and Hearing Association. A replacement of an identical hearing aid within one year shall be an exception to this requirement.

3366. A licensee shall, upon the consummation of a sale of a hearing aid, keep and maintain records in his office or place of business at all times and each such record shall be kept and maintained for a seven-year period. These records shall include:

(a) Results of test techniques as they pertain to fitting of the hearing aid.

(b) A copy of the written receipt required by Section 3365 and the written recommendation and receipt required by Section 3365.5 when applicable.

Article 4. Revocation and Suspension

3400. Proceedings to deny, suspend, or revoke a license under this chapter, 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 of the powers granted therein.

3401. The board may suspend or revoke a license, or impose conditions of probation upon a licensee, for any of the following causes:

(a) Gross incompetency which includes, but is not limited to the improper or unnecessary fitting of a hearing aid.

(b) Conviction of any felony or crime involving moral turpitude.

(c) Obtaining a license by fraud or deceit.

(d) Use of the term "doctor" or "physician" or "clinic" or "audiologist," or any derivation thereof, as part of the firm name under which the licensee fits and sells hearing aids, unless authorized by law.

(e) Fraud or misrepresentation in the fitting and selling of a hearing aid.

(f) The employment, to perform any act covered by the provisions of this chapter, of any person whose license has been

suspended, or who does not possess a valid license issued under this chapter.

(g) Except as prohibited in Section 651, the use or causing the use, of any advertising or promotional literature in such manner as to have the capacity or tendency to mislead or deceive purchasers or prospective purchasers.

(h) Habitual intemperance.

(i) Gross immorality.

(j) The licensee's permitting another to use his license for any purpose.

(k) Violation of any provision of this chapter.

(*l*) Any cause which would be grounds for denial of an application for a license.

3402. Upon denial of an application for license, the committee shall notify the applicant in writing, stating (1) the reason for the denial and (2) that the applicant has a right to a hearing under Section 3400 if he makes written request therefor within 60 days after notice of denial. Service of the notice required by this section may be made by certified mail addressed to the applicant at the latest address filed by the applicant in writing with the committee in his application or otherwise.

3403. A plea or verdict of guilty or a conviction following a plea of nolo contendere, made to a charge of a crime involving moral turpitude is deemed to be a conviction within the meaning of this article. The board may order the license suspended or revoked, impose probationary conditions on a licensee, or may decline to issue a license, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information or indictment.

3404. Before setting aside the revocation or suspension of any license, the board may require the applicant to pass the regular examination given for applicants for licenses.

Article 5. Criminal Offenses

3420. Any person who violates any of the provisions of this article is guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment in the county jail for not less than 10 days nor more than one year, or by a fine of not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000), or by both such fine and imprisonment.

3421. It is unlawful to sell or barter, or offer to sell or barter, any license issued by the board.

3422. It is unlawful to purchase or procure by barter any license issued by the board with intent to use the same as evidence of the holder's qualification to practice the fitting and selling of hearing aids.

3423. It is unlawful to alter with fraudulent intent in any material regard a license issued by the board.

3424. It is unlawful to use or attempt to use any license issued by the board which has been purchased, fraudulently issued, counterfeited, or materially altered as a valid license.

3425. It is unlawful to engage in the practice of fitting and selling hearing aids under a false or assumed name except as provided in Section 3359.

3426. It is unlawful to willfully make any false statement in a material regard in an application for an examination before the committee for a license.

3427. It is unlawful to engage in the practice of fitting and selling hearing aids in this state without having at the time of so doing a valid, unrevoked and unexpired license or temporary license.

3428. It is unlawful to advertise by displaying a sign or otherwise or hold himself out to be a person engaged in the practice of fitting and selling hearing aids without having at the time of so doing a valid, unrevoked license or temporary license.

3429. It is unlawful to engage in the practice of fitting and selling hearing aids without the licensee having and maintaining an established business address, routinely open for service to his clients.

3430. In addition to other proceedings provided for in this chapter, whenever any person has engaged, or is about to engage, in any acts or practices which constitute, or will constitute, an offense against this chapter, the superior court for the county wherein the acts or practices take place or are about to take place, may issue an injunction or other appropriate order, restraining such conduct on application of the board, the Attorney General, or the district attorney of the county. If such acts or practices constitute, or will constitute, an offense against Section 3306.5, such application to the superior court may be made by the State Board of Optometry. The proceedings under this section shall be governed by Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure, except that no undertaking shall be required in any action commenced thereunder.

3431. The penal provisions of this chapter shall not become operative until six months after the first committee meeting.

Article 6. Hearing Tests

3440. This chapter neither licenses nor prohibits the testing of hearing. When tests are conducted by persons licensed under this chapter in connection with the fitting and selling of hearing aids, the provisions of this chapter shall apply.

Article 7. Revenue

3451. Licenses issued under this chapter expire at midnight on January 15, 1972, and thereafter at midnight on January 15 of each year thereafter if not renewed. To renew an unexpired license, the licensee shall, before the time at which the license would otherwise expire, apply for renewal on a form prescribed by the board and pay the renewal fee prescribed by this chapter.

3452. Except as otherwise provided in this chapter, an expired license may be renewed at any time within five years after its expiration on filing of an application for renewal on a form prescribed by the board, and payment of the renewal fee in effect on the last renewal date. If the license is renewed more than 30 days after its expiration the licensee, as a condition precedent to renewal, shall also pay the delinquency fee prescribed by this chapter. Renewal under this section shall be effective on the date on which the application is filed, on the date on which the renewal fee is paid, or on the date on which the delinquency fee, if any, is paid, whichever last occurs. If so renewed, the license shall continue in effect through the date provided in Section 3451 which next occurs after the effective date of the renewal, when it shall expire if it is not again renewed.

3453. A license which has been suspended is subject to expiration and shall be renewed as provided in this article but such renewal does not entitle the holder of the license, while it remains suspended and until it is reinstated, to engage in the fitting and selling of hearing aids, or in any other activity or conduct in violation of the order or judgment by which the license was suspended. A license which has been revoked is subject to expiration, but it may not be renewed. If it is reinstated after its expiration, the licensee, as a condition precedent to its reinstatement, shall pay a reinstatement fee in an amount equal to the renewal fee in effect on the last regular renewal date before the date on which it is reinstated, plus the delinquency fee, if any, accrued at the time of its revocation.

3454. A license which is not renewed within five years after its expiration may not be renewed, restored, reissued, or reinstated thereafter, but the holder of the expired license may apply for and obtain a new license if:

(a) He is of good moral character.

(b) No fact, circumstance or condition exists which, if the license were issued would justify its revocation or suspension.

(c) He pays all the fees which would be required of him if he were then applying for a license for the first time; and

(d) He takes and passes the examination which would be required of him if he were then applying for a license for the first time, or otherwise establishes to the satisfaction of the committee that he is qualified to engage in the practice of fitting and selling hearing aids.

The committee may, by regulation, provide for the waiver or refund of all or any part of the application fee in those cases in which a license is issued without an examination under this section.

3455. There is established in the State Treasury the Hearing Aid Dispensers Fund All fees collected pursuant to this chapter shall be paid by the board into such fund. All money in the Hearing Aid Dispensers Fund is continuously appropriated to the board and to the committee to carry out the purposes of this chapter.

3456. The amount of fees and penalties prescribed by this chapter are those fixed in the following schedule:

(a) The fee for applicants applying for the first time for a license is one hundred dollars ($100) which shall not be refunded, except to applicants who are found to be ineligible to take an examination for a license; those applicants are entitled to a refund of seventy-five dollars ($75).

(b) The fee for an employee-applicant for a temporary license, pursuant to Sections 3355, 3356, and 3357, shall be twenty-five dollars ($25). The additional fee for such employee-applicant, upon taking the qualifying examination as provided in Section 3357, is the sum of seventy-five dollars ($75).

(c) The fee for applicants for a license who have failed a previous examination is twenty-five dollars ($25) for each succeeding examination.

(d) The fee for renewal of a license is fifty dollars ($50) for each renewal.

(e) The initial license fee is one hundred dollars ($100), unless the initial license is issued on or after July 15th of any year. If it is issued on or after July 15, the initial license fee is fifty dollars ($50).

(f) The delinquency fee is twenty-five dollars ($25).

(g) The fee for issuance of a duplicate license for a branch office, or upon loss of an original license or upon change of name authorized by law of a person holding a license under this chapter is five dollars ($5).

SEC. 3. The provisions of this act shall become operative on January 15, 1971.

CHAPTER 1515

An act to add Article 10 (commencing with Section 427) to Chapter 2 of Part 1 of Division 1 of the Health and Safety Code, and to add Section 5099.7 to the Public Resources Code, relating to beaches.

[Approved by Governor September 19, 1970. Filed with Secretary of State September 19, 1970.]

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

SECTION 1. Article 10 (commencing with Section 427) is added to Chapter 2 of Part 1 of Division 1 of the Health and Safety Code, to read:

Article 10. Public Beaches

427. "Public beach," as used in this article, means any beach area used by the public for recreational purposes which is owned, operated, or controlled by the state, any state agency, any local agency, or any private person in this state.

427.3. The State Department of Public Health shall by regulation establish such minimum standards for the sanitation of public beaches, including, but not limited to, the removal of refuse, as it determines are reasonably necessary for the protection of the public health and safety. Such regulations of the department shall not become effective until they have been submitted to and approved by the Council on Intergovernmental Relations except as otherwise provided in this section. The council shall approve the regulations if it determines that the standards established by the regulations are reasonably necessary for the protection of the public health and safety.

Within 60 days from the time the department submits the regulations to the council, the council shall either approve the regulations or provide the department with detailed reasons why, in its opinion, the regulations are not necessary for the protection of the public health and safety. Failing either such action by the council, the regulations shall become effective 60 days following their submittal to the council.

Any city or county may adopt standards for the sanitation of public beaches within its jurisdiction which are stricter than the standards adopted by the state department pursuant to this section.

427.5. The health officer having jurisdiction over the area in which a public beach is created shall:

(a) Inspect the public beach to determine whether the standards established pursuant to Section 427.3 are being complied with. If the health officer finds any violation of such standards, he shall restrict the use of, or close, the public beach or portion thereof in which the violation occurs until such time as the standard violated is complied with.

(b) Investigate any complaint of a person of a violation of any standard established by the state department pursuant to Section 427.3. If the health officer finds any violation of the standards prescribed by the state department, he shall restrict the use of, or close, the public beach or portion thereof until such time as the standard violated is complied with. If the person who made the complaint is not satisfied with the action taken by the health officer, he may report such violation to the state department. The state department shall investigate the reported violation, and, if it finds that the violation exists, it shall restrict the use of or close the public beach or portion thereof until the standard violated is complied with.

(c) Report any violation of the standards established pursuant to Section 427.3 to the Director of Parks and Recreation.

(d) Report any violation of the standards established pursuant to Section 427.3 to the district attorney, or if the viola-

tion occurred in a city and, pursuant to Section 41803.5 of the Government Code, the city attorney is authorized to prosecute misdemeanors, to the city attorney.

427.6. Prior to restricting the use of or closing a public beach or portion thereof alleged to be in violation of such standards, the health officer, or the department as the case may be, shall give reasonable notice of such violation to the owner of, or person or agency in charge of, the beach.

427.9. Any private person who violates any regulation adopted by the state department pursuant to Section 427.3 is guilty of a misdemeanor.

SEC. 2. Section 5099.7 is added to the Public Resources Code, to read:

5099.7. The director, after receiving a report from the health officer pursuant to subdivision (c) of Section 427.5 of the Health and Safety Code, shall withhold any funds, which are received on or after the effective date of this section, from any local agency or subdivision of the state in which a public beach is located and which is in violation of the standards established pursuant to Section 427.3 of the Health and Safety Code. The director may disburse any of such funds to such local agency or subdivision only when he determines the standards established pursuant to Section 427.3 of the Health and Safety Code are being complied with.

CHAPTER 1516

An act to amend Section 31265 of the Education Code, relating to scholarships.

[Approved by Governor September 19, 1970. Filed with Secretary of State September 19, 1970.]

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

SECTION 1. Section 31265 of the Education Code is amended to read:

31265 Grants awarded under this chapter shall be for living expenses, transportation, supplies and books, according to the student's financial need, and shall not be in excess of one thousand one hundred dollars ($1,100) per academic year. The State Scholarship and Loan Commission may also award such grants and an additional amount to pay tuition and fees to attend college at a public or private four-year college or university. Any eligible student who has been awarded an initial grant on the basis of need and attendance at a public community college may transfer to another eligible college without being eliminated from the program. In such cases, no adjustments to the initial grant shall be made for tuition and fees.

CHAPTER 1517

An act to add Chapter 2.5 (commencing with Section 23701) to Division 18 of, the Education Code, relating to state colleges.

[Approved by Governor September 19, 1970. Filed with Secretary of State September 19, 1970.]

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

SECTION 1. Chapter 2.5 (commencing with Section 23701) is added to Division 18 of the Education Code, to read:

CHAPTER 2.5. ACADEMIC YEAR OPERATION

Article 1. Legislative Declarations

23701. It is the intent of the Legislature, while maintaining the maximum utilization of funds provided for the support of public higher education, to provide increased access to higher education for all residents of this state, to permit maximum use of existing facilities and academic resources of the California State Colleges campuses, to provide for the orderly growth and expansion of the state's system of higher education, and to allow for effective long-range planning to meet the needs of our institutions of higher education while maintaining the quality of that education.

Thus, it is the intent of the Legislature to establish year-round operations at the California State Colleges.

Article 2. Year-Round Operation

23705. Any state college shall operate on a year-round basis within three years of the date when its full-time equivalent academic year enrollment reaches 10,000.

Any state college which has a full-time equivalent academic year enrollment of 10,000 or greater on the effective date of this chapter shall operate on a year-round basis on or before June 1, 1976.

All the terms into which a year may be divided for such purposes shall be of the same quality, and shall permit students to make normal progression toward their degree objectives during any term.

23706. All student fees and charges established for an academic year shall be uniformly allocated over all the terms of operation under this article.

23707. Any state college which operates on a year-round basis on the effective date of this chapter shall continue to operate on such basis.

CHAPTER 1518

An act to amend Sections 23320 and 24864 of, and to add Section 23378.1 to, the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor September 19, 1970. Filed with Secretary of State September 19, 1970.]

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
(18a)	California brandy 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 (commencing with Section 23450) of this chapter):	
	In cities of 40,000 population or over	330.00 per year
	In cities of less than 40,000 but more than 20,000	248.00 per year
	In all other localities	220.00 per year
(31)	On-sale general license for trains and sleeping cars	128.00 per year
	Duplicate on-sale general license for trains and sleeping car companies	32.00 per year
(32)	On-sale general license for boats	332.00 per year
(33)	On-sale general license for airplanes	332.00 per year
	Duplicate on-sale general license for air common carriers	10.00 per year

(34)	On-sale general license for vessels of more than 1,000 tons burden	128.00 per year
	Duplicate on-sale general license for vessels of more than 1,000 tons burden	32.00 per year

SEC. 1.3. 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
(18a)	California brandy 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 (commencing with Section 23425) of this chapter), or	
	(c) Veterans' club license (issued under Article 5 (commencing with Section 23450) 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. 1.5. 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 importers' 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
(17a)	Special beer wholesaler's license	160.00 per year
(18)	Distilled spirits wholesaler's license	276.00 per year

(18a)	California brandy 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 (commencing with Section 23425) of this chapter), or	
	(c) Veterans' club license (issued under Article 5 (commencing with Section 23450) of this chapter):	
	In cities of 40,000 population or over	330.00 per year
	In cities of less than 40,000 but more than 20,000	248.00 per year
	In all other localities	220.00 per year
(31)	On-sale general license for trains and sleeping cars	128.00 per year
	Duplicate on-sale general license for trains and sleeping car companies	32.00 per year
(32)	On-sale general license for boats	332.00 per year
(33)	On-sale general license for airplanes	332.00 per year
	Duplicate on-sale general license for air common carriers	10.00 per year

(34)	On-sale general license for vessels of more than 1,000 tons burden	128.00 per year
	Duplicate on-sale general license for vessels of more than 1,000 tons burden	32.00 per year

SEC. 1.7. 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
(17a)	Special beer wholesaler's license	160.00 per year
(18)	Distilled spirits wholesaler's license	276.00 per year
(18a)	California brandy 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 (commencing with Section 23425) of this chapter), or	
	(c) Veterans' club license (issued under Article 5 (commencing with Section 23450) 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 23378.1 is added to the Business and Professions Code, to read:

23378.1. (a) A California brandy wholesaler's license may be issued only to the holder of a beer and wine wholesaler's license, and authorizes the person to whom it is issued (hereafter in this section called "licensee") to sell only brandy produced in California to persons holding licenses authorizing the sale of brandy, and to export such brandy, subject to all of the following conditions:

(1) Such licensee shall:

(i) Maintain warehouse space either owned or leased by him or dedicated to his use in a public warehouse which space is sufficient to store at one time a stock of California brandy whose cost of acquisition is one hundred thousand dollars ($100,000) or more.

(ii) Maintain at all times in his warehouse either owned or leased by him or in space dedicated to his use in a public warehouse a stock of California brandy whose cost of acquisition is one hundred thousand dollars ($100,000) or more. If a licensee has more than one licensed premise, he shall be required to maintain warehouse space for and a stock of California brandy whose cost of acquisition is one hundred thousand dollars ($100,000) or more only in connection with one licensed premise. For each of the remaining licensed premises, the licensee shall be required to maintain warehouse space for and a stock of California brandy whose cost of acquisition is thirty thousand dollars ($30,000) or more. The stock of California brandy required by this paragraph shall be owned by the licensee, not held on consignment, and not acquired pursuant to a prior agreement to sell it to a specific licensee or licensees.

(2) Such licensee shall sell California brandy to retailers generally, rather than a few selected retailers. A licensee who sells to 25 percent of the retailers in the county where his California brandy wholesale licensed premises are located, or a licensee whose total volume of sales of California brandy to retailers during any 12-month period consists of 50 percent or more of individual sales in quantities of 10 cases or less shall be conclusively presumed to be selling to retailers generally.

(3) Such licensee may sell only one California brandy of one winegrower, which brandy is produced or bottled by such winegrower, or which is produced for, or is produced and packaged for, such winegrower, and is sold under a brand name owned or controlled by such winegrower.

(4) Such licensee, under the authority of his beer and wine wholesaler's license, shall stock and offer to sell to retailers a complete product line of California wines of the winegrower whose brandy the licensee handles. A "complete product line" for the purposes of this paragraph means all of the types of wines sold under a particular label.

(b) The number of California brandy wholesaler's licenses which may be issued shall not be limited by any rule of the department relating to the number which may be issued in any county, nor shall such licenses be included in any formula used by the department in determining the number of distilled spirits wholesaler's licenses which may be issued in a county.

(c) The fee for a California brandy wholesaler's license shall be two hundred seventy-six dollars ($276) per year, which shall be deposited in the Alcoholic Beverage Control Fund.

SEC. 3. Section 24864 of the Business and Professions Code is amended to read:

24864. For the purpose of providing different selling or resale prices, the state may be divided into the following trading areas:

(a) Mountain trading area, which consists of the Counties of Del Norte, Siskiyou, Modoc, Shasta, Trinity, Humboldt, Lake, Lassen, Mendocino, Tehama, Plumas, Butte, Sierra, Nevada, Placer, El Dorado, Amador, Calaveras, Alpine, Tuolumne, Mariposa, Mono, Inyo, and Imperial, and those portions of the Counties of Kern, San Bernardino and Riverside which lie east of the mountain divide of the Sierra Nevada, Tehachapi, and San Bernardino Mountains, commonly known as the desert country.

(b) Northern California trading area, which consists of all counties and portions of counties lying north of the northern boundary of San Luis Obispo County and the southern boundaries of Kern and Inyo Counties which are not included in the mountain trading area.

(c) Southern California trading area, which consists of all the counties and portions of counties lying south of the northern boundary of San Luis Obispo County and the southern boundaries of Kern and Inyo Counties which are not included in the mountain trading area.

SEC. 4. Except as otherwise provided in Section 5 or 6, it is the intent of the Legislature, if both this bill and A.B. 735 are enacted and amend Section 23320 of the Business and Professions Code, that Section 23320 be amended in the manner set forth in Section 1.3 of this act. Therefore, in the event A.B. 735 is enacted and amends Section 23320, Section 1.3 of this act shall become operative at the same time Section 23320 as amended by A.B. 735 becomes operative, and at that time, Section 23320 of the Business and Professions Code as amended by Section 1 of this act is repealed.

SEC. 5. Except as otherwise provided in Section 4 or 6, it is the intent of the Legislature, if the amendments to Section

23320 of the Business and Professions Code proposed by both this bill and A B. 1443 are enacted, that both amendments be given effect and incorporated in Section 23320 in the form set forth in Section 1.5 of this act. Therefore, in the event A.B. 1443 is enacted and amends Section 23320, Section 1.5 of this act shall become operative at the same time Section 23320 as amended by A.B. 1443 becomes operative, and at that time, Section 23320 of the Business and Professions Code as amended by Section 1 of this act is repealed.

SEC. 6. It is the intent of the Legislature, if this bill and both A.B. 735 and A.B. 1443 are enacted and amend Section 23320 of the Business and Professions Code, that Section 23320 be amended in the manner set forth in Section 1.7 of this act. Therefore, in the event A.B. 735 and A.B. 1443 are enacted and amend Section 23320, Section 1.7 of this act shall become operative at the same time Section 23320 as amended by A.B. 735 and A.B. 1443 becomes operative, and at that time, Section 23320 as amended by Section 1 of this act is repealed.

CHAPTER 1519

An act to amend Section 188.9 of the Streets and Highways Code, relating to state highway funds.

[Approved by Governor September 19, 1970 Filed with Secretary of State September 19, 1970.]

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

SECTION 1. Section 188.9 of the Streets and Highways Code is amended to read:

188.9. Out of the moneys expended pursuant to Section 188.8, the commission shall allocate and the department shall expend or cause to be expended during the period commencing July 1, 1967, and ending June 30, 1971, and for each period of four years thereafter, not less than three million dollars ($3,000,000) in Alpine County, three million dollars ($3,000,000) in Sierra County, and four million dollars ($4,000,000) in each of the remaining counties.

Such expenditures shall be included in determining the minimum expenditures for each highway district; except that during the four-year period commencing July 1, 1971, and each four-year period thereafter, expenditures on highways included within the national system of interstate and defense highways in a county, as the system was constituted on July 1, 1971, shall not be considered expenditures within that county for purpose of determining the minimum expenditures in that county, unless the county board of supervisors approves otherwise.

If during any four-year period the commission determines that all state highway construction needs in a county included

in the estimate which was the basis of the expenditure provision of Section 188.8 will be eliminated by expenditure of a lesser sum than provided for in this section, the commission shall allocate and the department shall expend or cause to be expended in such county such lesser amount during the four-year period.

CHAPTER 1520

An act to add Section 11008.1 to the Welfare and Institutions Code, relating to public assistance.

[Approved by Governor September 19, 1970 Filed with Secretary of State September 19, 1970]

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

SECTION 1. Section 11008.1 is added to the Welfare and Institutions Code, to read:

11008.1. To the extent permitted by federal law, income, including but not limited to seven dollars and fifty cents ($7.50) of any income, received by a recipient of aid under Chapter 3 (commencing with Section 12000), Chapter 4 (commencing with Section 12500), or Chapter 6 (commencing with Section 13500) of this part shall not be considered income or resources of the recipient and shall not be deducted from the amount of aid to which the recipient would otherwise be entitled.

This section shall be known and may be cited as the Social Security Pass-On.

CHAPTER 1521

An act to amend Section 69994.6 of the Government Code, relating to court reporters.

[Approved by Governor September 19, 1970 Filed with Secretary of State September 19, 1970.]

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

SECTION 1. Section 69994.6 of the Government Code is amended 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) In addition to any fee otherwise required, in civil cases that last longer than five (5) judicial days, a fee per day equal to the per diem rate for official reporters pro tempore shall be charged to the parties for the services of an official reporter for the sixth and each successive day a reporter is required.

(3) All fees paid under this section shall be taxed as costs. Such fees shall not be subject to the provisions of Section 6103.

(4) 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.

CHAPTER 1522

An act to add Section 4452.5 to the Vehicle Code, relating to snowmobiles.

[Approved by Governor September 19, 1970. Filed with Secretary of State September 19, 1970.]

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

SECTION 1. Section 4452.5 is added to the Vehicle Code, to read:

4452.5. (a) No person, except a licensed dealer, shall transfer or operate a snowmobile in this state on and after January 1, 1971, unless he first obtains a certificate of ownership without registration. The department shall issue a certificate of ownership to the legal owner of such vehicle without requiring registration, and shall issue a facsimile copy of the certificate to the owner if there is no legal owner, if the application is submitted in proper form and the payment of the fee specified in Section 9254.

In the case of a rented or leased snowmobile, the person who rents or leases such snowmobile may operate the snow-

mobile during the rental or lease period without obtaining a certificate of ownership.

(b) Any person owning a snowmobile with an identification plate before January 1, 1971, shall not be required to obtain a certificate of ownership until such person is required to renew the identification plate for such snowmobile.

(c) The provisions of this section shall not be applicable to the transfer or operation of a snowmobile used exclusively for competition in sporting events.

CHAPTER 1523

An act to repeal Sections 1812.1 and 3260 of the Civil Code, to amend Sections 537, 538, 540, 542, 543, 682.1, 688, 688.1, 690, and 690.5 of, to amend and renumber Sections 690.16, 690.19, 690.20, 690.22, 690.235, 690.25, 690.27, 690.50, 690.51, and 690.52 of, to add Sections 690.1, 690.2, 690.3, 690.4, 690.6, 690.7, 690.10, 690.12, 690.14, 690.15, 690.16, 690.175, 690.19, 690.20, 690.26, 690.27, 690.28, 690.29, and 690.50 to, and to repeal Sections 690.1, 690.2, 690.3, 690.4, 690.6, 690.7, 690.8, 690.9, 690.10, 690.11, 690.12, 690.125, 690.13, 690.14, 690.15, 690.18, 690.21, 690 23, 690.24, 690.26, 710 and 1202.1 of, the Code of Civil Procedure, to repeal Sections 7611, and 10202 of the Financial Code, to amend Sections 12337 and 25337 of the Public Utilities Code, to amend Sections 988 and 1342 of the Unemployment Insurance Code, and to amend Section 11002 of the Welfare and Institutions Code, relating to exemptions from executions and attachments.

[Approved by Governor September 19, 1970. Filed with Secretary of State September 19, 1970.]

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

SECTION 1. Section 1812.1 of the Civil Code is repealed.

SEC. 1.5. Section 3260 of the Civil Code is repealed.

SEC. 2. Section 537 of the Code of Civil Procedure is amended to read:

537. The plaintiff, at the time of issuing the summons, or at any time afterward, may have the property of the defendant attached, except earnings of the defendant as provided in Section 690.6, as security for the satisfaction of any judgment that may be recovered, unless the defendant gives security to pay such judgment, as in this chapter provided, in the following cases:

1. In an action upon a contract, express or implied, for the direct payment of money, (a) where the contract is made or is payable in this state; or (b) where the contract is made outside this state and is not payable in this state and the amount of the claim based upon such contract exceeds five thousand dollars ($5,000); and where the contract described

in either (a) or (b) is not secured by any mortgage, deed of trust, or lien upon real or personal property, or any pledge of personal property, or, if originally so secured, such security has, without any act of the plaintiff, or the person to whom the security was given, become valueless. An action upon any liability, existing under the laws of this state, of a spouse, relative, or kindred, for the support, maintenance, care, or necessaries furnished to the other spouse, or other relatives or kindred, shall be deemed to be an action upon an implied contract within the term as used throughout all subdivisions of this section. An action brought pursuant to Section 1692 of the Civil Code shall be deemed an action upon an implied contract within the meaning of that term as used in this section.

2. In an action upon a contract, express or implied, against a defendant not residing in this state, or who has departed from the state, or who cannot after due diligence be found within the state, or who conceals himself to avoid service of summons.

3. In an action against a defendant, not residing in this state, or who has departed from the state, or who cannot after due diligence be found within the state, or who conceals himself to avoid service of summons, to recover a sum of money as damages, arising from an injury to or death of a person, or damage to property in this state, in consequence of negligence, fraud, or other wrongful act.

4. In an action in unlawful detainer where it appears from the verified complaint on file therein that rent is actually due and payable from the defendant to the plaintiff for the premises sought to be recovered in said action; provided, the payment of such rent is not secured by any mortgage or lien upon real or personal property, or pledge of personal property, or, if originally so secured, such security has, without any act of the plaintiff or the person to whom the security was given, become valueless.

5. In an action by the State of California or any political subdivision thereof, for the collection of taxes due said state or political subdivision, or for the collection of any moneys due upon any obligation or penalty imposed by law.

6. In any action by the State of California, or any political subdivision thereof, for the recovery of funds pursuant to Section 11680.5 of the Health and Safety Code. In such cases, funds on the defendant's person at the time of his arrest which are retained in official custody shall also be subject to attachment.

SEC. 2.5. Section 538 of the Code of Civil Procedure is amended to read:

538. The clerk of the court, or the justice, where there is no clerk, must issue the writ of attachment upon receiving an affidavit by or on behalf of the party seeking the writ showing:

1. The facts specified in Section 537 which entitle him to the writ;

2. The amount of the indebtedness claimed, over and above all legal setoffs or counterclaims, or the amount claimed as damages; or, if an attachment is then sought for only part thereof, such partial amount; and

3. That the attachment is not sought, and the action is not prosecuted, to hinder, delay, or defraud any creditor of the defendant.

4. That the affiant has no information or belief that the defendant has been adjudicated a bankrupt, with reference to the indebtedness for which the writ is sought, nor that the defendant or cross-defendant is, at the time of the request for the writ, under any wage earner's plan approved by any United States court.

Provided, however, that no attachment may be issued under this chapter in any action in which the sum total claimed, exclusive of interest and attorney's fees, is less than one hundred twenty-five dollars ($125).

SEC. 2.7. Section 538 of the Code of Civil Procedure is amended to read:

538. The clerk of the court, or the justice, where there is no clerk, must issue the writ of attachment upon receiving an affidavit by or on behalf of the party seeking the writ showing:

1. The facts specified in Section 537 which entitle him to the writ;

2. The amount of the indebtedness claimed, over and above all legal setoffs or counterclaims, or the amount claimed as damages; or, if an attachment is then sought for only part thereof, such partial amount; and

3. That the attachment is not sought, and the action is not prosecuted, to hinder, delay, or defraud any creditor of the defendant.

4. That the affiant has no information or belief that the defendant has been adjudicated a bankrupt, with reference to the indebtedness for which the writ is sought, nor that the defendant or cross-defendant is, at the time of the request for the writ, under any wage earner's plan approved by any United States court.

Provided, however, that no attachment may be issued under this chapter in any action in which the sum total claimed, exclusive of interest and attorney's fees, is less than two hundred dollars ($200).

SEC. 3. Section 540 of the Code of Civil Procedure is amended to read:

540. The writ must be directed to the sheriff, or a constable, or marshal of any county in which property of such defendant may be, and must require him to attach and safely keep all the property of such defendant within his county not exempt from attachment, or so much of the property of such defendant as may be sufficient to satisfy the plaintiff's demand against such defendant, the amount of which must be stated in conformity with the amount stated in plaintiff's affidavit filed pursuant to Section 538, not exceeding the amount of the

complaint, unless such defendant give him security by the undertaking of at least two sufficient sureties, which must first be approved by a judge of the court issuing the writ, or if said writ of attachment is issued to another county then by a judge of a court, having jurisdiction in cases involving the amount specified in the writ, in the county where the levy shall have been, or is about to be, made, or deposit a sum of money with the sheriff, constable, or marshal in an amount sufficient to satisfy such demand against such defendant, besides costs, or in an amount equal to the value of the property of such defendant which has been or is about to be attached, in which case to take such undertaking or sum of money in lieu of the property which has been or is about to be attached.

In the event that the action is against more than one defendant, any defendant whose property has been or is about to be attached in the action may give the sheriff, constable, or marshal such undertaking which must first be approved by the judge as hereinabove provided, or deposit such sum of money, and the sheriff, constable, or marshal shall take the same in lieu of such property. Such undertaking, or the deposit of such sum of money, shall not subject such defendant to, or make him answerable for, any demand against any other defendant, nor shall the sheriff, constable, or marshal thereby be prevented from attaching or be obliged to release from attachment, any property of any other defendant. However, such defendant, at the time of giving such undertaking to, or depositing such sum of money with the sheriff, constable, or marshal, shall file with the sheriff, constable, or marshal a statement, duly verified by his oath, wherein such defendant shall state the character of his title to the attached property and the manner in which he acquired such title, and aver and declare that the other defendant or defendants, in the action in which said undertaking was given or such sum of money was deposited, has or have not any interest or claim of any nature whatsoever in or to said property.

Several writs may be issued upon the same affidavit and undertaking simultaneously or from time to time within 60 days after the filing of the affidavit and undertaking, to the sheriffs, constables, or marshals of any county or counties, whether or not any writ previously issued has been returned.

SEC. 4. Section 542 of the Code of Civil Procedure is amended to read:

542. The sheriff, constable, or marshal, to whom the writ is directed and delivered, must, upon receipt of instructions in writing, signed by the plaintiff or his attorney of record, and containing a description of the property, and in the case of real property or growing crops the name of the record owner of the real property to be attached, or upon which the crops are growing, execute the same without delay, and if the undertaking mentioned in Section 540 of this code be not given, as follows:

1. Real property, standing upon the records of the county in the name of the defendant, must be attached, by recording with the recorder of the county a copy of the writ, together with a description of the property attached, and a notice that it is attached, and by serving an occupant of the property, if there is one upon the property at the time service is attempted, with a similar copy of the writ, description and notice, or if there is no occupant then on the property, then, by posting the same in a conspicuous place on the property attached. Service upon the occupant may be made by leaving said copy of the writ, description and notice with the occupant personally, or, in his absence, with any person, of suitable age and discretion, found upon the property at the time service thereof is attempted and who is either an employee or agent of such occupant or a member of his family or household. Where the property described in the notice consists of more than one distinct lot, parcel or governmental subdivision and any of such lots, parcels, or governmental subdivisions lie with relation to any of the others so as to form one or more continuous, unbroken tracts, one service or posting need be made as to each such continuous, unbroken tract.

1a. Growing crops (which, until severed, shall be deemed personal property not capable of manual delivery), growing upon real property standing upon the records of the county in the name of the defendant, must be attached by recording with the recorder of the county a copy of the writ, together with a description of the growing crops to be attached, and of the real property upon which the same are growing, and a notice that such growing crops are attached in pursuance of the writ, and by serving an occupant of the real property, if there is one upon the real property at the time service is attempted, with a similar copy of the writ, description and notice, or if there is no occupant then on the real property, then, by posting the same in a conspicuous place on the real property. Service upon the occupant may be made by leaving said copy of the writ, description and notice with the occupant personally, or, in his absence, with any person, of suitable age and discretion, found upon the real property at the time service thereof is attempted and who is either an employee or agent of such occupant or a member of his family or household. Where the real property described in the notice consists of more than one distinct lot, parcel or governmental subdivision, and any of such lots, parcels or governmental subdivisions lie with relation to any of the others so as to form one or more continuous unbroken tracts, one service or posting need be made as to each such continuous unbroken tract.

Whenever growing crops have been attached under the provisions of this subdivision, which will greatly deteriorate in value, unless properly cultivated, cared for, harvested, packed or sold, the court issuing such writ, upon application of the person in whose favor the writ runs, and after due notice to the owner of said property, may direct the sheriff to take

possession of said property and to cultivate, care for and preserve the same and, when necessary, harvest, pack and sell such property. Any sale of such property shall be made in the same manner that property is sold on execution and the proceeds must be retained by the sheriff to be applied to the satisfaction of any judgment which may be recovered in the action in which said writ is issued. The court shall order said applicant to pay such expenses in advance if the court may deem it proper, or may direct that the whole or any part of such expenses be paid from the proceeds of any sale of such property.

2. Real property, or any interest therein, belonging to the defendant, and held by any other person, or standing on the records of the county in the name of any other person, must be attached in the same manner as is real property standing upon the records of the county in the name of the defendant by the provisions of subdivision 1 of this section and the notice of attachment shall state that the real property therein described, and any interest of the defendant therein held by or standing on the records of the county in the name of such other person (naming him), are attached. In addition, a similar copy of the writ, description and notice shall be delivered to such other person, or his agent, if known and within the county, or left at the residence of either, if within the county. The recorder must index such attachment when recorded, in the names, both of the defendant and of the person by whom the property is held or in whose name it stands of record.

2a. Growing crops (which, until severance, shall be deemed personal property not capable of manual delivery), or any interest therein, belonging to the defendant, and growing upon real property held by any other person or standing upon the records of the county in the name of any other person, must be attached in the same manner as growing crops growing upon real property standing upon the records of the county in the name of the defendant are attached by the provisions of subdivision 1a of this section, and the notice of attachment shall state that the crops therein described or any interest of the defendant therein, held by, or standing upon the records of the county in the name of, such other person (naming him), are attached in pursuance of the writ. In addition, a similar copy of the writ, description and notice shall be delivered to such other person, or his agent, if known and within the county, or left at the residence of either, if known and within the county. The recorder must index such attachment when recorded, in the names of both the defendant and of the person by whom the real property is held, or in whose name it stands on the record.

Whenever growing crops have been attached under the provisions of this subdivision, which will greatly deteriorate in value unless properly cultivated, cared for, harvested, packed or sold, the court issuing such writ, upon application of the

person in whose favor the writ runs, and with or without notice as the court directs to the owner of said property, may direct the sheriff to take possession of said property and to cultivate, care for and preserve the same and, when necessary, harvest, pack and sell such property. Any sale of such property shall be made in the same manner that property is sold under execution and the proceeds must be retained by the sheriff to be applied to the satisfaction of any judgment which may be recovered in the action in which said writ is issued. The court shall order said applicant to pay such expenses in advance if the court may deem it proper, or may direct that the whole or any part of such expenses be paid from the proceeds of any sale of such property.

3. Personal property, capable of manual delivery, in the possession of the defendant, must be attached by taking it into custody. When the personal property is used as a dwelling, such as a housetrailer, mobilehome, or boat, the same is to be attached by placing a keeper in charge of the property, at plaintiff's expense, for at least two (2) days. At the expiration of said period the officer shall remove its occupants, and take the property into his immediate custody, unless other disposition is made by the court or the parties to the action. Whenever a levy under attachment or execution shall be made on personal property, other than money, or a vehicle required to be registered under the Vehicle Code belonging to a going concern, then the officer making the levy must, if the defendant consents, place a keeper in charge of said property levied upon, at plaintiff's expense, for at least two days, and said keeper's fees must be prepaid by the levying creditor. During said period defendant may continue to operate in the ordinary course of business at his own expense provided all sales are for cash and the full proceeds are given to the keeper for the purposes of the levy unless otherwise authorized by the creditor. After the expiration of said two days the sheriff, constable, or marshal shall take said property into his immediate possession unless other disposition is made by the court or the parties to the action.

4. In cases where the sheriff, constable, or marshal is instructed to take into possession personal property capable of manual delivery, whether the same is to be placed in a warehouse or in custody of a keeper, the sheriff, constable or marshal shall require, as a prerequisite to the taking of such property, that in addition to written instructions the plaintiff or his attorney of record deposit with the sheriff, constable or marshal, a sum of money sufficient to pay the expenses of taking and keeping safely said property for a period not to exceed 15 days. In the event that a further detention of said property is required, the sheriff, constable or marshal must, from time to time, make written demand upon the plaintiff or his attorney for further deposits to cover estimated expenses for periods not to exceed five days each. Such demand must be served as provided in Section 1011 of this code, or

by depositing such notice in the post office in a sealed envelope, as first-class registered mail, postage prepaid, addressed to the person on whom it is served at his last known office or place of residence. In the event that the money so demanded is not paid, the sheriff, constable or marshal shall release the property to the person or persons from whom the same was taken. There shall be no liability upon the part of the sheriff, constable or marshal to take or hold personal property unless the provisions of this section shall have been fully complied with. There shall be no liability upon the part of the sheriff, constable or marshal, either to the plaintiff or the defendant for loss by fire, theft, injury or damage of any kind to personal property capable of manual delivery while in the possession of the sheriff, constable or marshal either in a warehouse or in the custody of a keeper or en route to or from a warehouse unless the sheriff, constable or marshal shall be negligent in his care or handling of the property.

5. With the exception of earnings of the defendant which are exempt as provided in Section 690.6, debts, credits, judgments, and other personal property not capable of manual delivery shall be attached by leaving with the persons owing such debts, or having in his possession, or under his control, such credits and other personal property, or with his agent or, in the case of a corporation, with the president of the corporation, vice president, secretary, assistant secretary, cashier, or managing agent thereof, a copy of the writ, and, if the demand as stated in the writ does not exceed three hundred dollars ($300) exclusive of interest, attorney's fees and costs, a copy of the complaint in the action from which the writ issued, and, in every case, a notice that the debts owing by him to the defendant, or the credits and other personal property in his possession, or under his control, belonging to the defendant, are attached in pursuance of such writ. However, whenever a judgment has been attached under the provisions of this subdivision, a copy of the writ and notice shall be filed in the action from which the judgment arose and served upon the judgment creditor of such action. However, debts owing to the defendant by any of the following financial institutions: (a) banks; (b) savings and loan associations; (c) title insurance companies or underwritten title companies (as defined in Section 12402 of the Insurance Code); (d) industrial loan companies (as defined in Section 18003 of the Financial Code), maintaining branch offices, or credits or other personal property whether or not the same is capable of manual delivery, belonging to the defendant and in the possession of or under the control of such financial institution shall be attached by leaving a copy of the writ and the notice, together with a copy of the complaint if required hereunder, with the manager or other officer of such financial institution at the office or branch thereof at which the account evidencing such indebtedness of the defendant is carried, or at which such financial institution has credits or other personal property belonging to the defendant

in its possession or under its control; and no attachment shall be effective as to any debt owing by such financial institution if the account evidencing such indebtedness is carried at an office or branch thereof not so served, or as to any credits or other personal property in its possession or under its control at any office or branch thereof not so served.

6. When checks, drafts, money orders and other orders for the withdrawal of money from a banking corporation or association, the United States, any state or public entity within any state, payable to the defendant or judgment debtor on demand, come into the possession of a levying officer under a writ of attachment or execution, the sheriff, constable, or marshal, to whom the writ is directed and delivered, shall promptly thereafter endorse the same and present, or cause the same to be presented, for payment. The sheriff, constable, or marshal shall endorse such check, draft, money order or other order for the withdrawal of money by writing the name of the defendant or judgment debtor thereon and the name and official title of the officer making the levy with the statement that such endorsement is made pursuant to levy of writ of attachment or execution and giving the title of court and cause in which such writ was issued, and such endorsement shall be sufficient endorsement and no banking corporation or association or public entity on which said check, draft, money order or other order for the withdrawal of money is drawn shall incur any liability to any person, firm or corporation by reason of paying to such officer such check, draft, money order or other order for withdrawal of money by reason of such endorsement, nor shall the officer making the levy incur any liability by reason of his endorsing and presenting for and obtaining payment of such check, draft, money order or other order for the payment of money; provided, however, that the funds or credit resulting from the payment of such check, draft, money order or other order for withdrawal of money shall be held by said officer subject to the levy of said writ of attachment or execution. If it appear from the face of such check, draft, money order or other order for the withdrawal of money that the same has been tendered to the defendant or judgment debtor in satisfaction of a claim or demand and that endorsement thereof shall be considered a release and satisfaction by defendant or judgment debtor of such claim or demand, then, in such event, the officer making the levy shall not endorse said check, draft, money order or other order for the withdrawal of money unless the defendant or judgment debtor shall first endorse the same to the officer making the levy; provided, however, that if said defendant shall not endorse said check, draft, money order or other order for withdrawal of money to the officer making the levy, said officer may thereafter hold such check, draft, money order or other order for the withdrawal of money subject to such levy and shall incur no liability to the defendant or judgment debtor or

to any other person, firm or corporation for delay in presentment of the same for payment.

SEC. 5. Section 543 of the Code of Civil Procedure is amended to read:

543. Upon receiving information in writing from the plaintiff or his attorney, that any person has in his possession, or under his control, any credits or other personal property belonging to the defendant, or owes any debt to the defendant, the sheriff, constable, or marshal shall serve upon such person a copy of the writ, and a notice that such credits, or other property or debts, as the case may be, are attached in pursuance of such writ, except that earnings of the defendant for his personal services are exempt from attachment, as provided in Section 690.6.

SEC. 6. Section 682.1 of the Code of Civil Procedure is amended to read:

682.1. A writ of execution issued on a judgment for the recovery of money must be substantially in the following form:

(Title of Court)

(Number and abbreviated title of action)

THE PEOPLE OF THE STATE OF CALIFORNIA:

To the Sheriff, Constable or Marshal of the _____ County of _____. Greeting:

On _____ a judgment was entered by the above entitled court in the above entitled action in favor of _____ as judgment creditor and against _____ as judgment debtor and said judgment was duly entered in (referring to where entered) for

$ principal,
$ attorney fees,
$ interest, and
$____costs, making a total amount of
$ the judgment as entered, and

WHEREAS, according to an affidavit and/or a memorandum of costs after judgment filed herein, it appears that further sums have accrued since the entry of judgment, to wit:

$ accrued interest, and
$____accrued costs, together with $____ fee for the issuance of this writ, making a total of
$____as accrued costs, accrued interest, and fees.

Credit must be given for payments and partial satisfactions in the amount of $_____
which is to be first credited against the total accrued costs and accrued interest, with any excess credited against the judgment as entered, leaving a net balance actually due on the date of issuance of this writ of

$_____

of which $_____ is due on the judgment as entered and

bears interest at 7 percent per annum, in the amount of $_____ per day, from the date of issuance of this writ to the date of levy, to which must be added the commissions and costs of the officer executing this writ.

Notice by mail of any sale under the writ of execution (has) (has not) been requested. The following named persons have requested such notice of sale:

Names Addresses

After the levy has been made, a copy of this writ of execution shall be mailed by the levying office to the judgment debtor at the address below unless a copy has been served at the time of the levy:

Name Address

NOTICE TO THE JUDGMENT DEBTOR: You may be entitled to file a claim exempting your property from execution. You may seek the advice of an attorney or may, within 10 days from the date your property was levied upon, deliver an affidavit to the levying officer seeking to exempt such property, as provided in Section 690.50 of the Code of Civil Procedure.

THESE PRESENTS ARE THEREFORE TO COMMAND YOU to satisfy the said judgment with interest and costs as provided by law and your costs and disbursements out of the personal property of said debtor not exempt from execution, and if sufficient personal property cannot be found, then out of his real property; or if the judgment be a lien upon real property, then out of the real property belonging to him on the day when the abstract of judgment was filed as provided in Section 674 of the Code of Civil Procedure, or at any time thereafter, make notice by mail of any levy pursuant to this writ of execution, and make return of this writ within not less than 10 days nor more than 60 days after your receipt thereof, with what you have done endorsed hereon.

Given under my hand (and the seal of_____) on_____ 19___.

Note to printer: where the asterisk (*) appears in the foregoing form, it is intended that the printed form shall have the same arrangement and number of words in the line.

Where the double asterisk (**) appears in the foregoing form, it is intended that the dollar sign characters ($) shall appear under one another in vertical column.

SEC. 6.5. Section 688 of the Code of Civil Procedure is amended to read:

688. All goods, chattels, moneys or other property, both real and personal, or any interest therein, of the judgment debtor, not exempt by law, except as provided for in Section 690.6, and all property and rights of property seized and held under

attachment in the action, are liable to execution. Shares and interests in any corporation or company, and debts and credits, and all other property, both real and personal, or any interest in either real or personal property, and all other property not capable of manual delivery, may be levied upon or released from levy in like manner as like property may be attached or released from attachment, except that a copy of the complaint in the action from which the writ issued need not accompany the writ; provided, that no cause of action nor judgment as such, nor license issued by this state to engage in any business, profession, or activity shall be subject to levy or sale on execution. Gold dust must be returned by the officer as so much money collected at its current value, without exposing the same to sale. Until a levy, the property is not affected by the execution; but no levy shall bind any property for a longer period than one year from the date of the issuance of the execution, except a levy on the interests or claims of heirs, devisees, or legatees in or to assets of deceased persons remaining in the hands of executors or administrators, thereof prior to distribution and payment. However, an alias execution may be issued on said judgment and levied on any property not exempt from execution.

SEC. 7. Section 688.1 of the Code of Civil Procedure is amended to read:

688.1. Upon motion of a judgment creditor of any party in an action or special proceeding made in the court in which the action or proceeding is pending upon written notice to all parties, the court or judge thereof may, in his discretion, order that the judgment creditor be granted a lien upon the cause of action, and upon any judgment subsequently procured in such action or proceeding, and, during the pendency of such action, may permit such judgment creditor to intervene therein. Such judgment creditor shall have a lien to the extent of his judgment upon all moneys recovered by his judgment debtor in such action or proceeding, and no compromise, settlement, or satisfaction shall be entered into by or on behalf of such debtor without the consent of such judgment creditor, unless his lien is sooner satisfied or discharged. The clerk or judge of the court shall endorse upon the judgment recovered in such action or proceeding a statement of the existence of the lien, the date of the entry of the order creating the lien, and the place where entered, and any abstract issued upon the judgment shall contain, in addition to the matters set forth in Section 674 of the Code of Civil Procedure, a statement of the lien in favor of such judgment creditor.

SEC. 7.5. Section 688.1 of the Code of Civil Procedure is amended to read:

688.1. (a) Except as provided for in subdivision (b), upon motion of a judgment creditor of any party in an action or special proceeding made in the court in which the action

or proceeding is pending upon written notice to all parties, the court or judge thereof may, in his discretion, order that the judgment creditor be granted a lien upon the cause of action, and upon any judgment subsequently procured in such action or proceeding, and, during the pendency of such action, may permit such judgment creditor to intervene therein. Such judgment creditor shall have a lien to the extent of his judgment upon all moneys recovered by his judgment debtor in such action or proceeding and no compromise, settlement or satisfaction shall be entered into by or on behalf of such debtor without the consent of such judgment creditor, unless his lien is sooner satisfied or discharged. The clerk or judge of the court shall endorse upon the judgment recovered in such action or proceeding a statement of the existence of the lien, the date of the entry of the order creating the lien, and the place where entered, and any abstract issued upon the judgment shall contain, in addition to the matters set forth in Section 674 of the Code of Civil Procedure, a statement of the lien in favor of such judgment creditor.

(b) Nothing in this section shall be construed to permit an assignee by operation of law of a party to a personal injury action to acquire any interest in or lien rights upon any moneys recovered by such party for general damages.

SEC. 8. Section 690 of the Code of Civil Procedure is amended to read:

690. (a) Except as otherwise specifically provided, the property mentioned in Sections 690.1 to 690.29, inclusive, is exempt from execution or attachment, when claim for exemption is made to the same by the judgment debtor or defendant as hereinafter in Section 690.50 provided.

(b) Whenever it is specifically provided in Sections 690.1 to 690.29, inclusive, that the filing of a claim of exemption is not required, the property so mentioned in each such section shall not be subject to levy of attachment or execution in any manner.

(c) As used in Sections 690.1 to 690.29, inclusive, "debtor" means debtor, claimant, defendant, cross-defendant, or judgment debtor.

(d) As used in Sections 690.1 to 690.29, inclusive, "creditor" means the plaintiff or the person in whose favor the writ runs.

SEC. 9. Section 690.1 of the Code of Civil Procedure is repealed.

SEC. 10. Section 690.1 is added to the Code of Civil Procedure, to read:

690.1. Necessary household furnishings and appliances and wearing apparel, ordinarily and reasonably necessary to, and personally used by, the debtor and his resident family, including, but not limited to, one piano; one radio and one television receiver; provisions and fuel actually provided for the debtor and his resident family's use, sufficient for three

months; one shotgun and one rifle. Works of art shall not be exempt unless of or by the debtor and his resident family.

SEC. 11. Section 690.2 of the Code of Civil Procedure is repealed.

SEC. 12. Section 690.2 is added to the Code of Civil Procedure, to read:

690.2. One motor vehicle with a value not exceeding three hundred fifty dollars ($350), over and above all liens and encumbrances on such motor vehicle, provided that the value of such motor vehicle shall not exceed one thousand dollars ($1,000).

SEC. 13. Section 690.3 of the Code of Civil Procedure is repealed.

SEC. 14. Section 690.3 is added to the Code of Civil Procedure, to read:

690.3. One house trailer in which the debtor, or the family of such debtor, actually resides, of a value not exceeding five thousand dollars ($5,000) over and above all liens and encumbrances on that house trailer, provided neither such debtor nor the spouse of such debtor has an existing homestead as provided by Title 5 (commencing with Section 1237) of Part 4 of Division 2 of the Civil Code.

SEC. 15. Section 690.4 of the Code of Civil Procedure is repealed.

SEC. 16. Section 690.4 is added to the Code of Civil Procedure, to read:

690.4. To the maximum aggregate actual cash value of two thousand five hundred dollars ($2,500), over and above all liens and encumbrances on such items at the time of any levy of attachment or execution thereon, any combination of the following: tools, implements, instruments, uniforms, furnishings, books, equipment, one commercial fishing boat and net, one commercial motor vehicle reasonably necessary to and actually used in a commercial activity, and other personal property ordinarily and reasonably necessary to, and personally owned and used by, the debtor exclusively in the exercise of the trade, calling, or profession by which he earns his livelihood.

SEC. 17. Section 690.5 of the Code of Civil Procedure is amended to read:

690.5. All prosthetic and orthopedic appliances personally used by the debtor.

SEC. 18. Section 690.6 of the Code of Civil Procedure is repealed.

SEC. 19. Section 690.6 is added to the Code of Civil Procedure, to read:

690.6. (a) All the earnings of the debtor due or owing for his personal services shall be exempt from levy of attachment without filing a claim for exemption as provided in Section 690.50.

(b) One-half or such greater portion as is allowed by statute of the United States, of the earnings of the debtor due or owing

for his personal services rendered at any time within 30 days next preceding the levy of execution shall be exempt from execution without filing a claim for exemption as provided in Section 690.50.

(c) All of such earnings, if necessary for the use of the debtor's family residing in this state and supported in whole or in part by the debtor, unless the debts are:

(1) Incurred by the debtor, his wife, or his family for the common necessaries of life.

(2) Incurred for personal services rendered by any employee or former employee of the debtor.

(d) The court shall determine the priority and division of payment among all of the creditors of a debtor who have levied an execution upon nonexempt earnings upon such basis as is just and equitable.

(e) Any creditor, upon motion, shall be entitled to a hearing in the court in which the action is pending or from which the writ issued for the purpose of determining the priority and division of payment among all the creditors of the debtor who have levied an execution upon nonexempt earnings pursuant to this section.

SEC. 20. Section 690.7 of the Code of Civil Procedure is repealed.

SEC. 21. Section 690.7 is added to the Code of Civil Procedure, to read:

690.7. (a) To the maximum aggregate value of one thousand dollars ($1,000), any combination of the following: savings deposits in, shares or other accounts in, or shares of stock of, any state or federal savings and loan association; "savings deposits" shall include "investment certificates" and "withdrawable shares" as defined in Section 5061 and 5067 of the Financial Code, respectively.

(b) Such exemption set forth in subdivision (a) shall be a maximum of one thousand dollars ($1,000) per person, whether the character of the property be separate or community.

SEC. 22. Section 690.8 of the Code of Civil Procedure is repealed.

SEC. 24. Section 690.9 of the Code of Civil Procedure is repealed.

SEC. 25. Section 690.10 of the Code of Civil Procedure is repealed.

SEC. 26. Section 690.10 is added to the Code of Civil Procedure, to read:

690.10. Except as provided in Sections 10203.5, 10203.6, and 10203.8 of the Insurance Code, a policy of group life insurance, or the proceeds thereof, either before or after payment, paid to the insured employee or the beneficiary.

SEC. 27. Section 690.11 of the Code of Civil Procedure is repealed.

SEC. 28. Section 690.12 of the Code of Civil Procedure is repealed.

SEC. 29. Section 690.12 is added to the Code of Civil Procedure, to read:

690.12. The segregated benefit funds of a holder of a certificate of exemption issued pursuant to Section 10497 of the Insurance Code against the holder of a certificate of exemption, except that such funds shall not be exempt from process issued to enforce a claim of benefit.

SEC. 29.5. Section 690.125 of the Code of Civil Procedure is repealed.

SEC. 30. Section 690.13 of the Code of Civil Procedure is repealed.

SEC. 31. Section 690.14 of the Code of Civil Procedure is repealed.

SEC. 32. Section 690.14 is added to the Code of Civil Procedure, to read:

690.14. Money or other aid paid or rendered by any fraternal benefit society as defined in Section 10990 of the Insurance Code, either before or after payment.

SEC. 33. Section 690.15 of the Code of Civil Procedure is repealed.

SEC. 34. Section 690.15 is added to the Code of Civil Procedure, to read:

690.15. Any claim for workmen's compensation or compensation awarded, adjudged, or paid, except as provided in the Labor Code. Such claim or award, prior to actual payment, shall be exempt without filing a claim of exemption as provided in Section 690.50.

SEC. 35. Section 690.16 of the Code of Civil Procedure is amended and renumbered to read:

690.22. All courthouses, jails, fire companies, public offices, and public buildings, lots, grounds, and personal property, including automotive and truck equipment, fixtures, furniture, books, papers, and appurtenances belonging to the jail, fire company, and public offices belonging and appertaining to any county of this state; and all cemeteries, public squares, parks, and places, public buildings, town halls, and buildings for the use of fire departments and military organizations, and the lots and grounds thereto belonging and appertaining, owned or held by any town or incorporated city, or dedicated by such town or city to health, ornament, or public use, or for the use of any fire or military company organized under the laws of this state.

SEC. 36. Section 690.16 is added to the Code of Civil Procedure, to read:

690.16. Contributions by workers, payable to the Unemployment Compensation Disability Fund, and by employers, payable to the Unemployment Fund are exempt without filing a claim of exemption as provided in Section 690.50.

SEC. 37. Section 690.175 is added to the Code of Civil Procedure, to read:

690.175. State unemployment compensation benefits or extended duration benefits or unemployment compensation dis-

ability benefits, incentive payments provided by Section 5401 of the Unemployment Insurance Code, and payments to an individual under a plan or system established by an employer which makes provision for his employees generally, or for a class or group of his employees, for the purpose of supplementing unemployment compensation benefits. Such benefits or payments, prior to actual payment, shall be exempt without filing a claim of exemption, as provided in Section 690.50.

SEC. 38. Section 690.18 of the Code of Civil Procedure is repealed.

SEC. 39. Section 690.19 of the Code of Civil Procedure is amended and renumbered to read:

690.9. (a) All moneys, benefits, privileges, or immunities, accruing or in any manner growing out of any life insurance, if the annual premiums paid do not exceed five hundred dollars ($500), or if they exceed that sum a like exemption shall exist which shall bear the same proportion to the moneys, benefits, privileges, and immunities so accruing or growing out of such insurance that such five hundred dollars ($500) bears to the whole annual premium paid.

(b) In addition to the foregoing, all moneys, benefits, or privileges belonging to or inuring to the benefit of the insured's spouse or minor children growing out of life insurance purchased with annual premiums not exceeding five hundred dollars ($500), or if such annual premiums exceeded that sum, a like exemption shall exist in favor of such persons which shall bear the same proportion to the moneys, benefits, or privileges growing out of such insurance that five hundred dollars ($500) bears to the whole annual premiums paid.

SEC. 40. Section 690.19 is added to the Code of Civil Procedure, to read:

690.19. All aid given under a public assistance program to a debtor or for his benefit. However, as against the claim of the county, the real and personal property of a debtor who has received support from public moneys shall be exempt only to the extent provided by and in accordance with the provisions of Section 17409 of the Welfare and Institutions Code. Such aid, prior to payment, shall be exempt without filing a claim of exemption, as provided in Section 690.50.

SEC. 41. Section 690.20 of the Code of Civil Procedure is amended and renumbered to read:

690.11. All moneys, benefits, privileges, or immunities, accruing or in any manner growing out of any disability or health insurance, if the annual premiums do not exceed five hundred dollars ($500), and if they exceed that sum a like exemption shall exist which shall bear the same proportion to the moneys, benefits, privileges, and immunities so accruing or growing out of such insurance that such five hundred dollars ($500) bears to the whole.

SEC. 42. Section 690.20 is added to the Code of Civil Procedure, to read:

690.20. To the extent provided for in Section 32508 of the Health and Safety Code, property, of any nature, given to endow an endowment hospital.

SEC. 43. Section 690.21 of the Code of Civil Procedure is repealed.

SEC. 44. Section 690.22 of the Code of Civil Procedure is amended and renumbered to read:

690.18. (a) All money received by any person, a resident of the state, as a pension, or as an annuity or retirement or disability or death or other benefit, or as a return of contributions and interest thereon, from the United States government, or from the state, or any county, city, or city and county, or other political subdivision of the state, or any public trust, or public corporation, or from the governing body of any of them, or from any public board or boards, or from any retirement, disability, or annuity system established by any of them pursuant to statute, whether the same shall be in the actual possession of such pensioner or beneficiary, or deposited by him.

(b) All money held, controlled, or in process of distribution by the state, or a city, city and county, county, or other political subdivision of the state, or any public trust or public corporation, or the governing body of any of them, or by any public board or boards, derived from the contributions by the state or such city, county, city and county, or other political subdivision, or such public trust, public corporation, governing body, or public board or boards, or by any officer or employee thereof, for retirement or pension purposes or the payment of disability, death, or other benefits, or the payment of benefits payable to, or the reimbursement of benefits paid to, employees thereof under the provisions of the Unemployment Insurance Code, and all rights and benefits accrued or accruing to any person under any system established pursuant to statute by the state, city, city and county, county, or other political subdivision of the state, or any public trust or public corporation for retirement, annuity, or pension purposes or payment of disability or death benefits, and all vacation credits accumulated by a state employee pursuant to the provisions of Section 18050 of the Government Code, or any other public employee pursuant to any law for the accumulation of vacation credits applicable to such employee. Such moneys, benefits, and credits shall be exempt without filing a claim of exemption as provided in Section 690.50.

SEC. 44.5. Section 690.22 of the Code of Civil Procedure is amended and renumbered to read:

690.18. (a) All money received by any person, a resident of the state, as a pension, or as an annuity or retirement or disability or death or other benefit, or as a return of contributions and interest thereon, from the United States government, or from the state, or any county, city, or city and county, or other political subdivision of the state, or any public trust, or public corporation, or from the governing body of any of them,

or from any public board or boards, or from any retirement, disability, or annuity system established by any of them pursuant to statute, whether the same shall be in the actual possession of such pensioner or beneficiary, or deposited by him.

(b) All money held, controlled, or in process of distribution by the state, or a city, city and county, county, or other political subdivision of the state, or any public trust or public corporation, or the governing body of any of them, or by any public board or boards, derived from the contributions by the state or such city, county, city and county, or other political subdivision, or such public trust, public corporation, governing body, or public board or boards, or by any officer or employee thereof, for retirement or pension purposes or the payment of disability, death, or other benefits, or the payment of benefits payable to, or the reimbursement of benefits paid to, employees thereof under the provisions of the Unemployment Insurance Code, and all rights and benefits accrued or accruing to any person under any system established pursuant to statute by the state, city, city and county, county, or other political subdivision of the state, or any public trust or public corporation for retirement, annuity, or pension purposes or payment of disability or death benefits, and all vacation credits accumulated by a state employee pursuant to the provisions of Section 18050 of the Government Code, or any other public employee pursuant to any law for the accumulation of vacation credits applicable to such employee. Such moneys, benefits, and credits shall be exempt without filing a claim of exemption as provided in Section 690.50.

(c) All money held, controlled, or in process of distribution by any private retirement plan, including, but not limited to, union retirement plans, or any profit-sharing plan designed and used for retirement purposes, or the payment of benefits as an annuity, pension, retirement allowance, disability payment or death benefit from such retirement or profit-sharing plans, and all contributions and interest thereon returned to any member of any such retirement or profit-sharing plan, are exempt from execution, attachment, or garnishment in any bankruptcy proceeding. This subdivision shall not apply to any moneys held in any retirement program established pursuant to the federal "Self-Employed Individuals Tax Retirement Act of 1962" (P.L. 87-792; 76 Stat. 809), nor to any moneys received in any manner by persons from any such retirement program so established.

SEC. 45. Section 690.23 of the Code of Civil Procedure is repealed.

SEC. 46. Section 690.235 of the Code of Civil Procedure is amended and renumbered to read:

690.21. The funds of any person confined in any prison or facility under the jurisdiction of the Department of Corrections or the Youth Authority or confined in any county or city jail, road camp, industrial farm, or other local correc-

tional facility, held in trust for him, or to his credit, in an inmate's trust account or similar account by the state, county, or city, or any agency thereof, not to exceed the sum of forty dollars ($40), shall be exempt from attachment or execution without filing a claim for exemption as provided in Section 690.50.

SEC. 47. Section 690.24 of the Code of Civil Procedure is repealed.

SEC. 48. Section 690.25 of the Code of Civil Procedure is amended and renumbered to read:

690.13. All moneys belonging to a fraternal organization not exceeding the sum of five hundred dollars ($500), and which moneys are used exclusively in the payment of sick or unemployment benefits to bona fide members of such fraternal organizations.

SEC. 49. Section 690.26 of the Code of Civil Procedure is repealed.

SEC. 50. Section 690.26 is added to the Code of Civil Procedure, to read:

690.26. The property of the Reclamation Board and the Sacramento and San Joaquin Drainage District.

SEC. 51. Section 690.27 of the Code of Civil Procedure is amended and renumbered to read:

690.51. In cases in which a warrant is issued by the State of California, or a department or agency thereof, pursuant to Section 1785 of the Unemployment Insurance Code, or Section 6776, 7881, 9001, 10111, 18906, 26191, 30341, or 32365 of the Revenue and Taxation Code, for the collection of tax liability owed to the state, a department or agency thereof, the tax debtor shall be entitled to the exemptions provided in Sections 690.1 to 690.29, inclusive, and all the provisions of Section 690.50 shall be applicable to the assertion and determination thereof. The superior court of the county, or city and county, in which the property levied upon is located shall have jurisdiction to hear and determine the validity of the claim of exemption or the value of the property claimed exempt, whether or not the value of the property determines the right to exemption, in like manner as if the property were levied upon by writ of execution issued by such court.

SEC. 52. Section 690.27 is added to the Code of Civil Procedure, to read:

690.27. The real property of a housing authority, as defined in Part 2 (commencing with Section 34200) of Division 24 of the Health and Safety Code.

SEC. 53. Section 690.28 is added to the Code of Civil Procedure, to read:

690.28. Any property granted to a trustee for educational purposes, pursuant to Section 31051 of the Education Code, if the action under which the execution or attachment is issued, or the proceeding under which the sale is ordered, is not commenced within two years of the filing for record of the

grant. No property shall be subject to execution or forced sale under any judgment obtained in any proceeding instituted within two years, if there is other property of the grantor subject to execution or forced sale sufficient to satisfy the judgment. Nothing in this section shall be construed to affect mechanics' or laborers' liens.

SEC. 54. Section 690.29 is added to the Code of Civil Procedure, to read:

690.29. All property of a redevelopment agency, including funds, owned or held by it for the purposes of Chapter 2 (commencing with Section 33100) of Part 1 of Division 24 of the Health and Safety Code.

SEC. 55. Section 690.50 of the Code of Civil Procedure is amended and renumbered to read:

690.52. No article, however, or species of property, mentioned in Sections 690.1 to 690.29, inclusive, of this code is exempt from execution issued upon a judgment recovered for its price, or upon a judgment of foreclosure of a mortgage or other lien thereon.

SEC. 56. Section 690.50 is added to the Code of Civil Procedure, to read:

690.50. (a) If the property mentioned in Sections 690.1 to 690.29, inclusive, shall be levied upon under writ of attachment or excution, the defendant or judgment debtor (herein referred to as "the debtor"), in order to avail himself of his exemption rights as to such property, shall within 10 days from the date such property was levied upon deliver to the levying officer an affidavit of himself or his agent, together with a copy thereof, alleging that the property levied upon, identifying it, is exempt, specifying the section or sections of this code on which he relies for his claim to exemption, and all facts necessary to support his claim, and also stating therein his address within this state for the purpose of permitting service by mail upon him of the counteraffidavit and any notice of the motion herein provided.

(b) Forthwith upon receiving the affidavit of exemption, the levying officer shall serve upon the plaintiff or the person in whose favor the writ runs (herein referred to as "the creditor"), either personally or by mail, a copy of the affidavit of exemption, together with a writing, signed by the levying officer, stating that the claim to exemption has been received and that the officer will release the property unless he receives from the creditor a counteraffidavit within five days after service of such writing.

(c) If the creditor desires to contest the claim to exemption, he shall, within such period of five days, file with the levying officer a counteraffidavit alleging that the property is not exempt within the meaning of the section or sections of this code relied upon, or if the claim to exemption be based on Sections 690.2, 690.3, 690.4, 690.6, alleging that the value of the property claimed to be exempt is in excess of the value stated in the applicable section or sections, together with proof

of service of a copy of such counteraffidavit upon the debtor.

(d) If no such counteraffidavit, with such proof of service, is so filed with the levying officer within the time allowed, the officer shall forthwith release the property.

(e) If such counteraffidavit, with such proof of service, is so filed, either the creditor or the debtor shall be entitled to a hearing in the court in which the action is pending or from which the writ issued for the purpose of determining the claim to exemption, the priority or division of payment between one or more creditors from nonexempt earnings under the provisions of Section 690.6 or the value of the property claimed to be exempt. Such hearing shall be granted by the court upon motion of either party made within five days after the counteraffidavit is filed with the levying officer, and such hearing must be had within 15 days from the date of the making of such motion unless continued by the court for good cause. The party making the motion for hearing shall give not less than five days' notice in writing of such hearing to the levying officer and to the other party, and specify therein that the hearing is for the purpose of determining the claim to exemption. The notice may be of motion or of hearing and upon the filing of the notice with the clerk of court, the motion is deemed made.

(f) If neither party makes such motion within the time allowed, or if the levying officer shall not have been served with a copy of the notice of hearing within 10 days after the filing of the counteraffidavit, the levying officer shall forthwith release the property to the debtor.

(g) At any time while the proceedings are pending, upon motion of either party or upon its own motion, the court may (1) order the sale of any perishable property held by such officer and direct disposition of the proceeds of such sale, and (2) make such other orders as may be proper under the particular circumstances of the case. Any orders so made may be modified or vacated by the court or judge granting the same, or by the court in which the proceedings are pending, at any time during the pendency of the procedings, upon such terms as may be just.

(h) The levying officer in all cases shall retain physical possession of the property levied upon if it is capable of physical possession, or in the case of property not capable of physical possession, the levy shall remain in full force and effect, pending the final determination of the claim to exemption. However, no sale under execution shall be had prior to such final determination unless an order of the court hearing the claim for exemption shall so provide.

(i) At such hearing, the party claiming the exemption shall have the burden of proof. The affidavits and counteraffidavits shall be filed by the levying officer with the court and shall constitute the pleadings, subject to the power of the court to permit an amendment in the interests of justice. The affidavit of exemption shall be deemed controverted by the counter-

affidavit and both shall be received in evidence. Nothing herein shall be construed to deprive anyone of the right to a jury trial in any case where, by the Constitution, such right is given, but a jury trial may be waived in any such case in like manner as in the trial of an action. No findings shall be required in a proceeding under this section. When the hearing is before the court sitting without a jury, and no evidence other than the affidavit and counteraffidavit is offered, the court, if satisfied that sufficient facts are shown thereby, 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 give judgment determining whether the claim to exemption shall be allowed or not, in whole or in part, and may give judgment determining the priority or division of payment between one or more creditors from nonexempt earnings under the provisions of Section 690.6, which judgment shall be determinative as to the right of the creditor to have the property taken and held by the officer or to subject the property to payment or other satisfaction of his judgment. In such judgment the court shall make all proper orders for the disposition of such property or the proceeds thereof.

(j) A copy of any judgment entered in the trial court shall be forthwith transmitted by the clerk to the levying officer in order to permit such officer to either release the property attached or to continue to hold it to sell it, in accordance with the provisions of the writ previously delivered to him. Such officer, unless an appeal from the judgment is waived, or the judgment has otherwise become final, shall continue to hold such property under attachment or execution, continuing the sale of any property held under execution until such judgment becomes final. However, if a claim to exemption under Section 690.6 is allowed by such judgment, the debtor shall be entitled to a release of the earnings so exempted at the expiration of three days, unless otherwise ordered by the court, or unless the levying officer shall have been served with a copy of a notice of appeal from the judgment.

(k) When any documents required hereunder are served by mail, the provisions of this code relating to service by mail shall be applicable thereto.

(*l*) Whenever the time allowed for an act to be done hereunder is extended by the court, written notice thereof shall be given promptly to the opposing party, unless such notice be waived, and to the levying officer.

(m) An appeal lies from any judgment under this section. Such appeal to be taken in the manner provided for appeals in the court in which the proceeding is had.

SEC. 57. Section 690.51 of the Code of Civil Procedure is amended and renumbered to read:

690.24. All lots of land, not exceeding one-quarter of an acre in size, owned, used, or occupied by any person, or by any

person in joint tenancy or tenancy in common with any other person or persons, in any graveyard, cemetery, or other place for the sole purpose of burying the dead, together with the railing or fencing enclosing the same, and all gravestones, tombstones, monuments, and other appropriate improvements thereon erected, are exempt from levy and forced sale by virtue of any writ, order, judgment, or decree, or by any legal process whatever. In cases of religious or benevolent associations or corporations, the amount of land so exempt may extend to not exceeding five acres.

Not more than one lot owned, used, or occupied by any such person or by any person in joint tenancy or tenancy in common with any other person or persons or such association or corporation in any one cemetery, graveyard or other place is exempted by this section.

This section does not apply to land held by any person or persons, association, or corporation for the purpose of sale or disposition as burial lots or otherwise.

No property dedicated as a cemetery by a cemetery authority shall be subject to execution or attachment because of debts due from an individual owner of an interment plot.

All money payable or to become payable as the purchase price or on account of the purchase price of unused cemetery lands, or lands from which all remains have been removed, is not subject to attachment or execution if used for the purpose enumerated in Section 7925 of the Health and Safety Code.

SEC. 58. Section 690.52 of the Code of Civil Procedure is amended and renumbered to read:

690.25. All pews in churches and meetinghouses, used for religious purposes, owned and claimed by any person, or held, in accordance with the rules and regulations of such churches shall be exempt without filing a claim of exemption as provided in Section 690.50.

SEC. 58.5. Section 710 of the Code of Civil Procedure is amended to read:

710. (a) Whenever a judgment for the payment of money is rendered by any court of this state against a defendant to whom money is owing and unpaid by this state or by any county, city and county, city or municipality, quasi-municipality, district or public corporation, the judgment creditor may file a duly authenticated abstract or transcript of such judgment together with an affidavit stating the exact amount then due, owing and unpaid thereon and that he desires to avail himself of the provisions of this section in the manner as follows:

1. If such money, wages or salary is owing and unpaid by this state to such judgment debtor, said judgment creditor shall file said abstract or transcript and affidavit with the state department, board, office or commission owing such money, wages or salary to said judgment debtor prior to the time such state department, board, office or commission presents the claim of such judgment debtor therefor to the State

Controller or to the State Personnel Board. Said state department, board, office or commission in presenting such claim of such judgment debtor to said State Controller shall note thereunder the fact that the filing of such abstract or transcript and affidavit and state the amount unpaid on said judgment as shown by said affidavit and shall also note any amounts advanced to the judgment debtor by, or which the judgment debtor owes to, the State of California by reason of advances for expenses or for any other purpose. Thereupon the State Controller, to discharge such claim of such judgment debtor, shall pay into the court which issued such abstract or transcript by his warrant or check payable to said court the whole or such portion of the amount due such judgment debtor on such claim, after deducting from such claim an amount sufficient to reimburse the state department, board, officer or commission for any amounts advanced to said judgment debtor or by him owed to the State of California, and after deducting therefrom an amount equal to one-half or such greater portion as is allowed by statute of the United States, of the earnings owing to the judgment debtor for his personal services to the state rendered at any time within 30 days next preceding the filing of such abstract or transcript, as will satisfy in full or to the greatest extent the amount unpaid on said judgment and the balance thereof, if any, to the judgment debtor.

2. If such money, wages or salary is owing and unpaid to such judgment debtor by any county, city and county, city or municipality, quasi-municipality, district or public corporation, said judgment creditor shall file said abstract or transcript and affidavit with the auditor of such county, city and county, city or municipality, quasi-municipality, district or public corporation (and in case there be no auditor then with the official whose duty corresponds to that of auditor). Thereupon said auditor (or other official) to discharge such claim of such judgment debtor shall pay into the court which issued such abstract or transcript by his warrant or check payable to said court the whole or such portion of the amount due on such claim of such judgment debtor, less an amount equal to one-half or such greater portion as is allowed by statute of the United States, of the earnings of the debtor owing by the county, city and county, city, municipality, quasi-municipality, district or public corporation to the judgment debtor for his personal services to such public body rendered at any time within 30 days next preceding the filing of such abstract or transcript, as will satisfy in full or to the greatest extent the amount unpaid on said judgment and the balance thereof, if any, to the judgment debtor.

(b) The judgment creditor upon filing such abstract or transcript and affidavit shall pay a fee of two dollars and fifty cents ($2.50) to the person or agency with whom the same is filed.

(c) Whenever a court receives any money hereunder, it shall pay as much thereof as is not exempt from execution under this code to the judgment creditor and the balance thereof, if any, to the judgment debtor. The procedure for determining the claim of exemption shall be governed by the procedure set forth in 690.26 of this code.

(d) In the event the moneys owing to a judgment debtor by any governmental agency mentioned in this section are owing by reason of an award made in a condemnation proceeding brought by the governmental agency, such governmental agency may pay the amount of the award to the clerk of the court in which such condemnation proceeding was tried, and shall file therewith the abstract or transcript of judgment and the affidavit filed with it by the judgment creditor. Such payment into court shall constitute payment of the condemnation award within the meaning of Section 1251 of this code. Upon sueh payment into court and the filing with the county clerk of such abstract or transcript of judgment and affidavit, the county clerk shall notify by mail, through their attorneys, if any, all parties interested in said award of the time and place at which the court which tried the condemnation proceeding will determine the conflicting claims to said award. At said time and place the court shall make such determination and order the distribution of the money held by the county clerk in accordance therewith.

(e) The judgment creditor may state in the affidavit any fact or facts tending to establish the identity of the judgment debtor. No public officer or employee shall be liable for failure to perform any duty imposed by this section unless sufficient information is furnished by the abstract or transcript together with the affidavit to enable him in the exercise of reasonable diligence to ascertain such identity therefrom and from the papers and records on file in the office in which he works. The word "office" as used herein does not include any branch or subordinate office located in a different city.

(f) Nothing in this section shall authorize the filing of any abstract or transcript and affidavit against any wages, or salary owing to the Governor, Lieutenant Governor, Secretary of State, Controller, Treasurer, and Attorney General.

(g) Any fees received by a state agency under this section shall be deposited to the credit of the fund from which payments were, or would be, made on account of a garnishment under this section. For the purpose of this paragraph, payments from the State Pay Roll Revolving Fund shall be deemed payments made from the fund out of which moneys to meet such payments were transferred to said revolving fund.

SEC. 59. Section 1202.1 of the Code of Civil Procedure is repealed.

SEC. 60. Section 7611 of the Financial Code is repealed.

SEC. 61. Section 10202 of the Financial Code is repealed.

SEC. 62. Section 12337 of the Public Utilities Code is amended to read:

12337. All money received by any person as an annuity, pension, retirement allowance, disability payment, or death benefit from the retirement system, and all contributions and interest thereon returned to any member of the retirement system, whether in the actual possession of such person or deposited, loaned, or invested by him, is unassignable, and is exempt from execution and attachment as provided in Section 690.18 of the Code of Civil Procedure.

SEC. 63. Section 25337 of the Public Utilities Code is amended to read:

25337. All money received by any person as an annuity, pension, retirement allowance, disability payment, or death benefit from the retirement system, and all contributions and interest thereon returned to any member of the retirement system, whether in the actual possession of such person or deposited, loaned, or invested by him, is unassignable, and is exempt from execution and attachment pursuant to Section 690.18 of the Code of Civil Procedure.

SEC. 64. Section 988 of the Unemployment Insurance Code is amended to read:

988. Contributions by workers, payable as provided in this article, shall be exempt from attachment and execution pursuant to Section 690.16 of the Code of Civil Procedure, and from garnishment or any other remedy for the collections of debts, and in the event of the insolvency or bankruptcy of an employer shall not be considered any part of his assets and shall be paid to the director prior to the payment of any other claim against the employer.

SEC. 65. Section 1342 of the Unemployment Insurance Code is amended to read:

1342. Any waiver by any person of any benefit or right under this code is invalid. Benefits under this code, incentive payments provided by Section 5401, payments to an individual under a plan or system established by an employer which makes provisions for his employees generally, or for a class or group of his employees, for the purpose of supplementing unemployment compensation benefits, are not subject to assignment, release, or commutation, and are exempt from attachment and execution pursuant to Sections 690.175 and 690.18 of the Code of Civil Procedure. Any agreement by any individual in the employ of any person or concern to pay all or any portion of the contributions required of his employer under this division is void.

SEC. 66. Section 11002 of the Welfare and Institutions Code is amended to read:

11002. All aid given under a public assistance program shall be absolutely inalienable by any assignment, sale, or otherwise, and in case of bankruptcy the aid shall not pass through any trustee or other person acting on behalf of creditors, and is exempt from execution and attachment pursuant to Section 690.19 of the Code of Civil Procedure.

SEC. 68. It is the intent of the Legislature, if amendments to Section 538 of the Code of Civil Procedure proposed by both this bill and Assembly Bill No. 1225 are enacted, that both amendments be given effect and incorporated in Section 538 in the form set forth in Section 2.7 of this act. Therefore, in the event Assembly Bill No. 1225 is enacted and amends Section 538, Section 2.7 of this act shall become operative at the same time that Section 538 as amended by Assembly Bill No. 1225 becomes operative and at that time, Section 538 of the Code of Civil Procedure as amended by Section 2.5 of this act is repealed.

SEC. 69. It is the intent of the Legislature, if amendments to Section 688.1 of the Code of Civil Procedure proposed by both this bill and Assembly Bill No. 903 are enacted, that both amendments be given effect and incorporated in Section 688.1 in the form set forth in Section 7.5 of this act. Therefore, in the event Assembly Bill No. 903 is enacted and amends Section 688.1, Section 7.5 of this act shall become operative at the same time that Section 688.1 as amended by Assembly Bill No. 903 becomes operative, and at that time, Section 688.1 of the Code of Civil Procedure as amended by Section 7 of this act is repealed.

SEC. 70. It is the intent of the Legislature, if amendments to Section 690.23 of the Code of Civil Procedure proposed by Assembly Bill No. 1126 are enacted, that such amendments be given effect and incorporated in Section 690.22 in the form set forth in Section 44.5 of this act. Therefore, in the event Assembly Bill No. 1126 is enacted and amends Section 690.23, Section 44.5 of this act shall become operative at the same time that Assembly Bill No. 1126 becomes operative and at that time Section 44 of this act is repealed.

CHAPTER 1524

An act relating to a pilot program for mentally disordered minors.

[Approved by Governor September 19, 1970. Filed with Secretary of State September 19, 1970.]

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

SECTION 1. The Superintendent of Public Instruction shall, subject to the availability of federal funds, select not more than four existing development centers for handicapped minors established pursuant to Article 2 (commencing with Section 16645.1) of Chapter 5 of Division 12 of the Education Code, for the conduct of a pilot program for mentally disordered minors. Insofar as possible, such centers shall be selected from a representative cross-section of existing programs.

As used in this act, a "mentally disordered minor" means a child who is determined by the governing board of the

school district maintaining a development center for handicapped minors to be unable, because of mental disorders, to adequately function in the regular school program.

SEC. 2. The pilot program in the selected development centers shall commence on July 1, 1971, and shall terminate on June 30, 1972.

SEC. 3. The Superintendent of Public Instruction shall undertake all appropriate measures to secure available federal demonstration project funds to provide financing for the pilot programs conducted pursuant to this act and shall, not later than March 1, 1971, report to the Legislature on the progress in securing such funds.

SEC. 4. Total enrollment in the pilot program authorized by this act shall not exceed 40 mentally disordered minors. The pilot sample group selected for this group shall be given instruction in separate classrooms from the nonpilot group of handicapped minors. Classes for the pilot sample group shall be limited to not more than 10 mentally disordered minors per classroom.

SEC. 5. The Superintendent of Public Instruction shall submit an evaluation report on the pilot program conducted pursuant to this act, together with recommendations as to the feasibility of establishing the program on a statewide basis, to the Legislature not later than September 1, 1972.

The evaluation of the pilot program shall include but need not be limited to the following factors:

(a) A description of the physical, psychological and educational characteristics of the pilot sample group.

(b) A description of any changes in physical, psychological and educational achievement at six-month intervals.

(c) A description of specific programs provided, the types of personnel employed, and the costs thereof.

(d) An analysis of the impact of the inclusion of mentally disordered children on other nonmentally disordered children and the quality of the instruction.

CHAPTER 1525

An act to add Chapter 6 (commencing with Section 30201) to Division 21 of the Education Code, relating to instruction in cosmetology.

[Approved by Governor September 19, 1970. Filed with Secretary of State September 19, 1970.]

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

SECTION 1. Chapter 6 (commencing with Section 30201) is added to Division 21 of the Education Code, to read:

CHAPTER 6. INSTRUCTION IN COSMETOLOGY

30201. For purposes of this chapter the determination of definite need shall be established by the appropriate body as follows:

(a) The determination of need for a regional occupational center shall be established by the governing body of the agency maintaining the center.

(b) The determination of need for a high school shall be established by the governing body of the district maintaining the high school.

(c) The determination of need for a community college shall be established by the governing body of the district maintaining the community college.

(d) The determination of need for the state colleges shall be established by the Trustees of the California State Colleges.

30202. (a) After the effective date of this act, no programs, courses, classes, or instruction in cosmetology, as defined by Section 7321 of the Business and Professions Code, shall, except as provided in subdivision (b), be initiated or expanded by any regional occupational center, high school, public community college, or state college unless and until a determination has been made, by the appropriate body pursuant to Section 30201, that a definite need exists for the initiation or expansion of such instruction and that existing private institutions offering the same or similar instruction are not adequately meeting that need.

(b) Notwithstanding the provision of subdivision (a) of this section, a regional occupational center, high school, public community college, or state college may initiate or expand programs, courses, classes, or instruction in cosmetology even though the appropriate body has determined that no definite need exists. In order to do so, the governing body maintaining the institution which will establish the programs, courses, classes, or instruction shall read the report of the appropriate body at a public meeting.

30203. The appropriate body, as defined in Section 30201, in making a determination of need as prescribed by Section 30202, shall give consideration to the existence of private institutions offering instruction in cosmetology within or near the service area of the public institution proposing to initiate or expand such instruction and the reasonableness of the cost to the students taking such instruction.

30204. The determination of need, as required by this chapter, shall not be applicable to the initiation or expansion of a program to the extent previously approved and implemented prior to the effective date of this chapter, or with respect to expansion of a program to maximize the utilization of facilities acquired or approved for acquisition prior to the effective date of this chapter.

30205. The appropriate body, as referred to in Section 30201, shall report its findings within 90 days from the date of being notified by a regional occupational center, high school, community college, or state college of its intent to initiate or expand its teaching of cosmetology.

CHAPTER 1526

An act to amend Section 35002.5 of the Government Code, relating to city annexations.

[Approved by Governor September 19, 1970 Filed with Secretary of State September 19, 1970.]

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

SECTION 1. Section 35002.5 of the Government Code is amended to read:

35002.5. Territory shall not be deemed contiguous as the word "contiguous" is used in this chapter if the only contiguity is based on a strip of land over 300 feet long and less than 200 feet wide, such width to be exclusive of highways.

Territory shall be deemed contiguous as the word "contiguous" is used in this chapter if the area thereof is separated by territory within the boundaries of another city or if such area is separated from the boundaries of an annexing city by territory within the boundaries of another city; provided, such separating territory became within the boundaries of the other city prior to January 1, 1925; and further provided, such separating territory is not in excess of 200 feet in width at all its separating points; and providing, that said separating territory within said separating point is uninhabited as defined in Section 35303 of the Government Code.

Territory shall be deemed contiguous as the word contiguous is used in this chapter if such territory is separated from the boundaries of an annexing city by territories within the boundaries of another city provided such separating territory became within the boundaries of the other city prior to June 16, 1917 and further provided such separating territory is not in excess of 3,000 feet in width at all of its separating points and provided further that said territory is a part of the same unified school district as the largest portion of the city seeking to annex such territory.

CHAPTER 1527

An act to authorize the transfer of the San Francisco Maritime State Historic Park to the City and County of San Francisco.

[Approved by Governor September 19, 1970 Filed with Secretary of State September 19, 1970.]

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

SECTION 1. The Director of Parks and Recreation, subject to the approval of the Director of General Services, is hereby authorized to transfer the San Francisco Maritime State Historic Park to the City and County of San Francisco on such terms and conditions as may be in the best interests of the state subject to Section 2 of this act.

SEC. 2. It is the intent of the Legislature that the following provisions shall guide the director in making such transfer:

(a) Part or all of the transfer may occur in the same year or the director may transfer different portions of the park in different years in order to minimize the impact of this transfer upon the support budget of the City and County of San Francisco.

(b) The director may require that any or all income to the city from any part of the historical park be retained and utilized to support the maintenance of the historical ships located in the park or for the whole park itself.

(c) The director shall provide that in the event the city and county transfers its ownership in any part of such historic park or converts any part thereof from historical park purposes, the state shall be reimbursed for the fair market value of any such part so transferred or converted.

SEC. 3. This act shall remain in effect until June 30, 1971, and shall have no force or effect after that date.

CHAPTER 1528

An act to amend Section 5783.3 of, to add Sections 5780.21 and 5783.6 to, and to repeal Sections 5783.2, 5783.4, 5783.6, 5783.7, 5783.8, 5783.9, and 5783.10 of, the Public Resources Code, relating to recreation and park districts.

[Approved by Governor September 19, 1970 Filed with Secretary of State September 19, 1970]

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

SECTION 1. Section 5780.21 is added to the Public Resources Code, to read:

5780.21. A change may be made in the method of selecting boards of directors in any district organized under this chapter, or organized under any statutory predecessor of this chapter, and reorganized hereunder, in which the supervising authority is the board of directors, or has appointed the board of directors.

The board of directors of any district may, by resolution, provide that henceforth all of the members of the board of directors shall be elected. After the adoption of such resolution, the district board shall call a special election for the purpose of electing members to the board of directors.

Not less than 60 days before the date set for such special election the board of directors shall cause a notice to be published pursuant to Section 6066 of the Government Code. Such notice shall state the date on which the special election shall be held, state the hours during which the polls will remain open, define the precinct boundaries, and designate the polling places for each precinct. Such notice shall further state that if 30 days prior to the date set for the special election, only one person has been nominated for each position to be filled, or if no person has been nominated for the office or offices to be filled at such special election, and if by 20 days prior to the date set for the special election a petition signed by 5 percent of the voters requesting that an election be held has not been filed, that the special election shall not be held and the supervising authority shall appoint directors pursuant to the Uniform District Election Law.

The manner of conducting such special election, the form of nominating petition, the form of ballots, and all other matters shall be governed as nearly as practical by the provisions of the Uniform District Election Law.

After directors are elected or appointed pursuant to this section, they shall meet and by lot classify themselves into two groups: the group having the largest number of members shall serve for a term ending on the last Friday in November at 12 o'clock noon following the date of the second succeeding general district election, and the group having the smallest number of members shall serve for a term ending on the last Friday in November at 12 o'clock noon following the date of the next general district election. At all subsequent elections, members of the board of directors shall be elected for a four-year term.

Upon qualification of members of the board of directors, elected or appointed in accordance with the provisions of this section, the terms of the members of the previous board of directors shall expire.

Any vacancy in office of members elected or appointed to the district board pursuant to this section shall be filled in the manner prescribed by Section 5781.13.

SEC. 2. Section 5783.2 of the Public Resources Code is repealed.

SEC. 3. Section 5783.3 of the Public Resources Code is amended to read:

5783.3. Notwithstanding any other provision of law to the contrary, no person shall be a candidate for or be appointed to or hold office on the district board unless he is a qualified voter of the district or proposed district or unless he is a qualified voter of this state and is an owner of real property within the district or proposed district.

SEC. 4. Section 5783.4 of the Public Resources Code is repealed.

SEC. 5. Section 5783.6 of the Public Resources Code is repealed.

SEC. 6. Section 5783.6 is added to the Public Resources Code, to read:

5783.6. Except as otherwise provided in this chapter, all district elections shall be called, held, and conducted in all respects as nearly as practicable in conformity with the Uniform District Election Law.

SEC. 7. Section 5783.7 of the Public Resources Code is repealed.

SEC. 8. Section 5783.8 of the Public Resources Code is repealed.

SEC. 9. Section 5783.9 of the Public Resources Code is repealed.

SEC. 10. Section 5783.10 of the Public Resources Code is repealed.

CHAPTER 1529

An act to add Chapter 1.6 (commencing with Section 22520) to Division 16.5 of the Education Code, relating to college admissions.

[Approved by Governor September 19, 1970. Filed with Secretary of State September 19, 1970.]

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

SECTION 1. Chapter 1.6 (commencing with Section 22520) is added to Division 16.5 of the Education Code, to read:

CHAPTER 1.6. ADMISSIONS

22520. It has been and continues to be the intent of the Legislature that all qualified California youth be insured the opportunity to pursue higher learning.

The enrollment situation and admissions policies and procedures among California's public institutions of higher learning have been the subject of extensive public concern, and admissions practice has failed to reduce public uncertainties.

22521. It is the intent of the Legislature that each resident of California who has the capacity and motivation to benefit from higher education should have the opportunity to enroll in an institution of higher education. Once enrolled he should have the opportunity to continue as long and as far as his capacity and motivation, as indicated by his academic performance and commitment to educational advancement, will lead him to meet academic standards and institutional requirements.

22522. It is further the intent of the Legislature that the following categories be established insofar as practicable in the following order for the purpose of enrollment planning and admission priority practice at the undergraduate resident student level for the California State Colleges and the University of California:

(1) Continuing undergraduate students in good standing.

(2) Transfer students who have successfully completed the first two years of their baccalaureate program.

(3) Students entering at the freshman or sophomore levels.

It is further the intent of the Legislature that within each enrollment category, the following groups of applicants receive priority consideration in admissions practice in the following order:

(a) Residents of California who are recently released veterans of the armed forces of the United States.

(b) Transfers from California public community colleges.

(c) Applicants who have been previously enrolled at the campus to which they are applying, provided they left such institution in good standing.

(d) Applicants who have a degree or credential objective that is not generally offered at other public institutions of higher learning within California.

(e) Applicants for whom the distance involved in attending another institution would create financial or other hardships.

The segments may, in implementing these enrollment plans and admissions priorities, consider the overall needs of students in maintaining a balanced program and a quality curriculum.

22523. The California State Colleges and the University of California shall keep a record of the applicants denied admission and develop and utilize an information collection system which will indicate the number of qualified applicants who could not be accommodated at their campus of first choice and were redirected to campuses of alternate choice and the number of qualified redirected applicants who declined an offer of admission to an alternate campus.

22524. The Trustees of the California State Colleges and the Regents of the University of California shall submit to the Legislature on the fifth calendar day of each regular session of the Legislature a report on the progress made on the implementation of the enrollment plans and admissions priorities system and on the establishment of the information system and the findings that are made available.

CHAPTER 1530

An act to add Section 6870 to the Public Resources Code, relating to leases for the extraction of oil and gas.

[Approved by Governor September 19, 1970. Filed with Secretary of State September 19, 1970.]

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

SECTION 1. Section 6870 is added, immediately preceding Section 6871, to the Public Resources Code, to read:

6870. (a) Notwithstanding any other provision of law to the contrary, no leases shall be let for the extraction of oil and gas from coastal tidelands or submerged lands in state waters within the Santa Barbara Channel unless the commission determines that such a lease will not result in the seepage or spillage of oil (either by finding that the safety and containment devices to be used are sufficient to prevent such seepage or spillage or that no seepage or spillage would result in any event) or in the destruction of scenic or aesthetic values.

(b) As used in this section, the Santa Barbara Channel is the area described as follows:

Beginning at the point of intersection of the ordinary high-water mark of the Pacific Ocean with the westerly point of Point Conception; thence in a generally easterly and southeasterly direction along said ordinary high-water mark to the westerly point of Point Mugu; thence in a generally southwesterly direction to the southwest tip of Anacapa Island; thence along the inland sides of Anacapa, Santa Cruz, Santa Rosa and San Miguel Islands to the most westerly part of San Miguel Island; thence in a northerly direction to the point of beginning; excluding the area described in subdivision (b) of Section 6871.2.

CHAPTER 1531

An act to add Sections 50081 and 50082 to the Government Code, relating to law enforcement.

[Approved by Governor September 19, 1970. Filed with Secretary of State September 19, 1970.]

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

SECTION 1. The Legislature reaffirms its belief that responsibility and authority for law enforcement should and must remain under control of local law enforcement agencies. However, the Legislature finds that the state has a vital interest in playing an effective role to ensure that local law enforcement agencies have the human, physical, and technological resources necessary to fulfill their responsibilities.

The Legislature finds that it is essential to good law enforcement that law enforcement officers have equipment necessary for apprehension of offenders and for protection of the officers.

SEC. 2. Section 50081 is added to the Government Code, to read:

50081. To the extent that funds therefor have been made available to a local agency pursuant to Section 50082, the legislative body of a local agency shall furnish each police officer and deputy sheriff employed full time by the local agency with equipment necessary for the safety of such an employee, which shall include, but is not limited to, the following: a suitable firearm, holster, belt and ammunition, a nightstick, handcuffs, and foul-weather garments. Such equip-

ment shall remain the property of the local agency and shall be returned upon request of the local agency.

SEC. 3. Section 50082 is added to the Government Code, to read:

50082. The Legislature shall make available to the California Council on Criminal Justice for allocation to local agencies, funds to be used with available federal funds or any other available funds to provide the equipment required to be furnished by Section 50081. The California Council on Criminal Justice shall adopt rules necessary to implement this section including rules governing the manner of application for allocation of funds.

CHAPTER 1532

An act to add Sections 23060 and 23762 to the Education Code, relating to institutions of public higher education.

[Approved by Governor September 19, 1970. Filed with Secretary of State September 19, 1970.]

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

SECTION 1. Section 23060 is added to the Education Code, to read:

23060. (a) Notwithstanding any other provisions of law to the contrary, no fees or tuition of any kind shall be required of or collected from any surviving child, natural or adopted, of a person who is a resident of this state employed by a public agency whose principal duties consist of active law enforcement service or active fire suppression and prevention, except a person whose principal duties are clerical even though such a person is subject to occasional call or is occasionally called upon to perform duties within the scope of active law enforcement or active fire suppression and prevention, who is killed in the performance of active law enforcement or active fire suppression and prevention duties 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 active law enforcement or active fire suppression and prevention duties.

(b) As used in this section, "public agency" means the state or any city, county, district, or other local authority or public body of or within this state.

(c) This section shall be operative only if the Regents of the University of California, by resolution, order its provisions to be applicable to the University of California.

SEC. 2. Section 23762 is added to the Education Code, to read:

23762. (a) Notwithstanding any other provisions of law to the contrary, no fees or tuition of any kind shall be required of or collected from any surviving child, natural or adopted, of a person who is a resident of this state em-

ployed by a public agency whose principal duties consist of active law enforcement service or active fire suppression and prevention, except a person whose principal duties are clerical even though such a person is subject to occasional call or is occasionally called upon to perform duties within the scope of active law enforcement or active fire suppression and prevention, who is killed in the performance of active law enforcement or active fire suppression and prevention duties 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 active law enforcement or active fire suppression and prevention duties.

(b) As used in this section, "public agency" means the state or any city, county, district, or other local authority or public body of or within this state.

SEC. 3. This act shall be known and may be cited as the Alan Pattee Scholarship Act and students granted benefits under this act shall be known as Alan Pattee scholars.

CHAPTER 1533

An act to add Chapter 5 (commencing with Section 2851) to Part 2 of Division 1 of the Public Utilities Code, relating to public utilities, and making an appropriation therefor.

[Approved by Governor September 19, 1970. Filed with Secretary of State September 19, 1970.]

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

SECTION 1. Chapter 5 (commencing with Section 2851) is added to Part 2 of Division 1 of the Public Utilities Code, to read:

CHAPTER 5. POWERPLANT SITES

2851. This chapter shall be known and may be cited as the "Powerplant Siting Coordination Act."

2852. The Resources Agency shall develop a plan indicating the optimum location for all electric power generating plants expected to be constructed in the state over the 20-year period following the effective date of this chapter. Such plan shall be submitted to the Legislature no later than the fifth legislative day of the 1973 Regular Session of the Legislature.

2853. The plan shall include consideration of substantial additions to or expansion of existing electric power generating facilities, and shall identify locations deemed suitable from an environmental standpoint.

2854. The plan shall contain recommendations of the type of fuel to be used in the generation of electric power at each generating facility location identified in the plan so that the least deleterious effect on the environment is achieved consistent with reasonable economy and efficiency of operation.

2855. In the formation of the plan, the Resources Agency shall consult with public utilities, both privately and publicly owned, whose operations would be affected by the plan, and the Public Utilities Commission.

SEC. 2. There is hereby appropriated the sum of one hundred fifty thousand dollars ($150,000) from the California Environmental Protection Program Fund to the Resources Agency for the purposes of this act.

SEC. 3. Section 2 of this act shall become operative only if Senate Bill No. 262 is enacted by the Legislature at its 1970 Regular Session, and, in such case, shall become operative at the same time as this act becomes effective.

CHAPTER 1534

An act to add Chapter 1.5 (commencing with Section 65025) to Title 7 of, and to repeal Chapter 1.5 (commencing with Section 65011.1) of Title 7 of, the Government Code, relating to planning.

[Approved by Governor September 19, 1970. Filed with Secretary of State September 19, 1970.]

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

SECTION 1. Chapter 1.5 (commencing with Section 65011.1) of Title 7 of the Government Code is repealed.

SEC. 2. Chapter 1.5 (commencing with Section 65025) is added to Title 7 of the Government Code, to read:

CHAPTER 1.5. OFFICE OF PLANNING AND RESEARCH

Article 1. General Provisions and Definitions

65025. "Office" as used in this chapter means the Office of Planning and Research.

65026. "Functional plan" as used in this chapter, means an intermediate- or short-range plan for the operation of a discrete function of state government.

65027. "Report" as used in this chapter, means the State Environmental Goals and Policy Report.

Article 2. Declaration of State Policy and Legislative Intent

65030. The Legislature finds and declares that future growth of the state should be guided by an effective planning process and should proceed within the framework of officially approved statewide goals and policies directed to land use, population growth and distribution, urban expansion and other relevant physical, social and economic development factors.

65031. The Legislature further finds and declares that recommendation, continuous evaluation and execution of statewide environmental goals, policies and plans are included within the scope of the executive functions of the Governor and responsibility for assuring orderly administration of this process within state government should be assigned to a governmental unit reporting directly to the Governor.

65032. The Legislature further finds and declares that analysis of the impact of individual programs on the achievement of statewide environmental goals and the necessity of allocating fiscal and other resources of the state among competing programs and needs requires integration of the planning and executive budget functions within state government.

65033. The Legislature further finds and declares that achievement of statewide environmental goals is dependent upon public understanding and endorsement and that the state planning process should include the opportunity for public response to clearly defined alternative objectives, policies and actions.

65034. The Legislature further finds and declares that the state planning process should be designed to influence legislative policy and actions and therefore should specifically include: (1) provisions for regular review and positive action by the Legislature on statewide environmental goals, plans and policies; and (2) clear identification of legislative actions required to carry out statewide environmental goals.

65035. It is the policy of the state and the intent of the Legislature to provide for an agency in the state government to be known as the Office of Planning and Research, which office shall report to the Governor and through him to the Legislature, and which shall have primary responsibility for assuring orderly operation of the process of environmental policy development and implementation within state government. It is not the intent of the Legislature to vest in the Office of Planning and Research any direct operating or regulatory powers over land use, public works, or other state, regional, or local projects or programs.

65036. It is the policy of the state and the intent of the Legislature to assure orderly planning for specific functions such as water development, transportation, natural resources, economic development and human resources by units of state government who exercise management responsibility for these functions. It is further the intent of the Legislature to provide, as part of the state planning process, that state functional plans proceed from common assumptions and forecasts of statewide growth and development, including those set forth in Section 21001 of the Public Resources Code.

Article 3. Establishment and Functions of Office of Planning and Research

65037. The Office of Planning and Research is hereby established in state government in the Governor's office. The office

shall be under the direct control of a director, who shall be responsible to the Governor.

65038. For the purpose of administering this chapter, the Governor shall appoint the Director of State Planning and Research, who shall perform all duties, exercise all powers, assume and discharge all responsibilities, and carry out and effect all purposes vested by law in the office, including contracting for professional or consultant services in connection with the work of the office.

65039. Notwithstanding the provisions of Section 12001, the Governor may appoint the Director of Planning and Research at a salary not to exceed twenty-seven thousand five hundred dollars ($27,500) annually.

Article 4. Powers and Duties

65040. The Office of Planning and Research shall serve the Governor and his cabinet as staff for long-range planning and research, and constitute the comprehensive state planning agency. In this capacity the office shall:

(a) Assist in the formulation, evaluation and updating of long-range goals and policies for land use, population growth and distribution, urban expansion, open space, resource preservation and utilization, and other factors which shape statewide development patterns and significantly influence the quality of the state's environment.

(b) Assist in the orderly preparation by appropriate state departments and agencies of intermediate- and short-range functional plans to guide programs of transportation, water development, open space, recreation and other functions which relate to the protection and enhancement of the state's environment.

(c) Regularly evaluate plans and programs of departments and agencies of state government, identify conflicts or omissions, and recommend new state policies, programs and actions required to resolve conflicts, advance statewide environmental goals and to respond to emerging environmental problems and opportunities.

(d) Assist the Department of Finance in preparing, as part of the annual state budget, an integrated program of priority actions to implement state functional plans and to achieve statewide environmental goals and objectives and take other actions to assure that the program budget, submitted annually to the Legislature, contains information reporting the achievement of state goals and objectives by departments and agencies of state government.

(e) Coordinate the development of policies and criteria to ensure the federal grants-in-aid administered or directly expended by state government advance statewide environmental goals and objectives.

(f) Coordinate the development and operation of a statewide environmental monitoring system to assess the implications of present growth and development trends on the envi-

ronment and to identify at an early time, potential threats to public health, natural resources and environmental quality.

(g) Coordinate, in conjunction with appropriate state, regional, and local agencies, the development of objectives, criteria and procedures for the orderly evaluation and report of the impact of public and private actions on the environmental quality of the state and as a guide to the preparation of environmental impact reports required of state and local agencies in Sections 21102 and 21150 of the Public Resources Code.

(h) Coordinate research activities of state government directed to the growth and development of the state and the preservation of environmental quality, render advice to the Governor, to his cabinet, and any agency or department of state government, and provide information to, and cooperate with, the Legislature or any of its committees or officers.

(i) Provide assistance to the Council on Intergovernmental Relations in coordinating provision of technical assistance by state departments and agencies in regional and local planning to assure that such plans are consistent with statewide environmental goals and objectives.

(j) Accept and allocate or expend grants and gifts from any source, public or private, for the purpose of state planning and undertake other planning and coordinating activities as will implement the policy and intent of the Legislature as set forth herein.

Article 5. Statewide Environmental Goals and Policy Report

65041. The Governor shall prepare and thereafter shall cause to be maintained, regularly reviewed and revised a comprehensive State Environmental Goals and Policy Report. In the preparation of the report, priority shall be given to the development of statewide land use policy, including the recommendations resulting from the land use planning and implementation program set forth in Section 4 of the act adding this section. The report shall contain, but not be limited to, the following:

(a) An overview, looking 20 to 30 years ahead, of state growth and development and a statement of approved state environmental goals and objectives, including those directed to land use, population growth and distribution, urban expansion and the conservation of natural resources.

(b) Description of new and revised state policies, programs and other actions of the executive and legislative branches required to implement statewide environmental goals, including intermediate-range plans and actions directed to natural resources, human resources and transportation.

65042. Every officer, agency, department or instrumentality of state government shall cooperate in the preparation and maintenance of the State Environmental Goals and Policy Report and shall comply with any request for advice, assistance, information or other material.

65043. The maximum public understanding and response to alternative statewide environmental goals, policies and actions shall be sought in the preparation and maintenance of the State Environmental Goals and Policy Report. The Governor shall consider the desirability of periodic public hearings, the formation of citizen advisory groups and other appropriate actions to accomplish this purpose.

65044. Upon completion of the State Environmental Goals and Policy Report, the Governor, prior to approval, shall seek the advice of the Legislature and for this purpose shall transmit the report to the Speaker of the Assembly and to the Senate Rules Committee.

65045. The Legislature may assign the report for study to one or more standing committees, or to a joint committee and may hold hearings, solicit testimony and take other appropriate action to secure review of the report. Following such review, the Legislature may act by resolution to approve the environmental goals and policies proposed in the report as an indication of legislative intent; or state findings and conclusions and offer changes, deletions or modifications in the environmental goals and policies of the report, or both.

65046. The Governor shall consider any advice offered by the Legislature as provided in Section 65045 and, upon his approval, shall transmit the report to the Legislature, to state agencies, departments and boards, appropriate federal agencies and to the chief executive officer of every city and county in the state.

65047. Upon approval by the Governor, the State Environmental Goals and Policy Report shall serve to:

(a) Record approved goals, policies and decisions of state government related to statewide growth and development and the preservation of environmental quality.

(b) Advise the Legislature of statutory action required to implement state environmental goals and objectives.

(c) Inform other levels of government and the public at large of approved state environmental goals and objectives and the proposed direction of state programs and actions in achieving them.

(d) Provide a clear framework of goals and objectives as a guide to the preparation and evaluation of state functional plans.

(e) Serve as a basis for judgments about the design, location and priority of major public programs, capital projects and other actions, including the allocation of state resources for environmental purposes through the budget and appropriation process.

65048. The State Environmental Goals and Policy Report shall be revised, updated and shall be transmitted by the Governor to the Legislature every four years. The Governor, may at any time, inform and seek advice of the Legislature on proposed changes in state environmental goals, objectives and policies.

65049. Following approval of the State Environmental Goals and Policy Report as provided in Section 65046, the report shall serve as a guide for state expenditures for environmental purposes. In transmitting the annual budget to the Legislature, information shall be included relating proposed environmental expenditures to the achievement of statewide goals and objectives set forth in the report.

SEC. 3. The first report provided in Section 65040 of the Government Code shall be transmitted by the Governor to the Legislature no later than March 1, 1972. A report describing steps to be taken and progress in developing basic studies, concepts, and other major aspects of the report shall be transmitted by the Governor to the Legislature no later than June 1, 1971.

SEC. 4. The Office of Planning and Resarch shall give immediate and high priority to the development of land use policy. As a first component of such policy, the office shall develop, in conjunction with appropriate state departments and federal, regional and local agencies, a statewide plan and implementation program for protecting land and water resources of the state which are of statewide significance in terms of the state's natural resource base and the preservation and enhancement of environmental quality and are threatened due to urban expansion, incompatible public or private use or development or other circumstances.

The planning program shall consider, but not be limited to:

1. Areas of outstanding scientific, scenic and recreation value.

2. Areas which are required as habitat for significant fish and wildlife resources, including rare and endangered species.

3. Forest and agricultural lands which are judged to be of major importance in meeting future needs for food, fiber and timber.

4. Areas which provide green space and open areas in and around high-density metropolitan development.

5. Areas which are required to provide needed access to coastal beaches, lakeshores, and riverbanks.

6. Areas which require special development regulation because of hazardous or special conditions, such as earthquake fault zones, unstable slide areas, flood plains, and watersheds.

7. Areas which serve as connecting links between major public recreation and open-space sites, such as utility easements, streambanks, trails, and scenic highway corridors.

8. Areas of major historic or cultural interest.

SEC 5. The planning and implementation program shall consider the full range of powers, programs and actions by which state government may influence the use and development of land and water resources, including public acquisition, zoning, tax incentives, development regulations and acquisition of development rights.

CHAPTER 1535

An act to amend Section 8352 of the Revenue and Taxation Code, relating to vehicle fuel license tax.

[Approved by Governor September 20, 1970. Filed with Secretary of State September 20, 1970.]

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

SECTION 1. Section 8352 of the Revenue and Taxation Code is amended to read:

8352. The money in the Motor Vehicle Fuel Fund is hereby appropriated, subject to the provisions of any budget bill heretofore or hereafter enacted and Section 11006 of the Government Code, as follows:

(a) To pay the refunds authorized in this part, including refunds due on account of judgments for the return of license taxes illegally collected.

(b) To the Controller, to carry out any duties imposed upon him by this part.

(c) To the board, to carry out any duties imposed upon it by this part.

(d) To the Highway Users Tax Fund, as provided in this chapter.

(e) To pay the pro rata share of the overhead and general administrative expense of the Controller and the board attributable to duties imposed by this part. The pro rata share is payable upon presentation of a claim against any appropriation from the Motor Vehicle Fuel Fund for the support of the Controller or the board, as the case may be.

(f) For transfer to the Aeronautics Fund, which fund is hereby created, all moneys in the Motor Vehicle Fuel Fund attributable to the distribution of motor vehicle fuel for use or used in propelling an aircraft in the state, for allocation as follows:

(1) To pay the refunds authorized by Section 8101.5.

(2) To pay the pro rata cost of the Controller and board under subdivisions (b), (c) and (e).

(3) To pay for the support of the Department of Aeronautics.

(4) For transfer of the balance remaining to the Airport Assistance Revolving Fund.

No part of the moneys in the Motor Vehicle Fuel Fund attributable to the distribution of motor vehicle fuel for use or used for propelling an aircraft in the state shall be appropriated, subject to the provisions of any subdivision heretofore or hereafter enacted and Section 11006 of the Government Code, or allocated, except in accordance with the provisions of this subdivision.

(g) To the Harbors and Watercraft Revolving Fund for expenditure in accordance with the provisions of Division 1 (commencing with Section 30) of the Harbors and Navigation

Code, the sum of five million two hundred thousand dollars ($5,200,000) in the 1970–1971 fiscal year, five million six hundred thousand dollars ($5,600,000) in the 1971–1972 fiscal year, and six million dollars ($6,000,000) per annum commencing with the 1972–1973 fiscal year, these sums representing the amount of money in the Motor Vehicle Fuel Fund attributable to taxes imposed on distributions of motor vehicle fuel used or usable in propelling vessels. If the amount so transferred during each of such fiscal years is in excess of ten dollars and two cents ($10.02) multiplied by the estimated number of boats in existence as of December 31st of each year, the excess shall be retransferred from the Harbors and Watercraft Revolving Fund to the Motor Vehicle Fuel Fund. If the amount transferred is less than the amount so calculated, the difference shall be transferred from the Motor Vehicle Fuel Fund to the Harbors and Watercraft Revolving Fund; provided, however, that no such adjustment shall be made if the computed difference is less than fifty thousand dollars ($50,000); and further provided that such amount shall be adjusted to reflect any temporary or permanent increase or decrease that may be made in the rate under the Motor Vehicle Fuel License Tax Law. Payments pursuant to this subdivision shall be made prior to payments pursuant to subdivision (d). The Department of Public Works, after consultation with the Department of Harbors and Watercraft, shall prepare or cause to be prepared a report setting forth the current estimate of the amount of money in the Motor Vehicle Fuel Fund attributable to taxes imposed on distributions of motor vehicle fuel used or usable in propelling vessels; and the Department of Public Works shall submit such report to the Legislature on or before the fifth legislative day of the 1973 Regular Session and each four (4) years thereafter.

CHAPTER 1536

An act to amend Section 19570 of, and to add Section 19534.5 to, the Business and Professions Code, relating to horseracing.

[Approved by Governor September 20, 1970. Filed with Secretary of State September 20, 1970.]

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

SECTION 1. Section 19534.5 is added to the Business and Professions Code, to read:

19534.5. Notwithstanding subdivision (b) of Section 19531 and Section 19534, the maximum number of harness racing days which may be allocated to the California State Exposition and Fair shall be eight weeks, in addition to the days allocated pursuant to Section 19534. Such harness racing shall

be conducted by a person other than the California State Exposition and Fair.

SEC. 2 Section 19570 of the Business and Professions Code is amended to read:

19570. In order to encourage and develop harness racing, whenever the California State Fair and Exposition or a county or district fair conducts a program of horseraces on which there is parimutuel wagering, it may provide a program of harness racing on the same days that it provides a program of racing in which the horses participating are mounted by jockeys, if sufficient harness horses are available to provide competition in one or more harness races.

CHAPTER 1537

An act to amend Section 11251 of the Education Code, relating to work experience education.

[Approved by Governor September 20, 1970 Filed with Secretary of State September 20, 1970]

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

SECTION 1. 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.

(c) For the purpose of work experience education programs meeting the standards of the California State Plan for Voca-

tional Education, "immediate supervision" of off-campus work training stations means pupil participation in on-the-job training as outlined under a training agreement, coordinated by the school district under a state-approved plan, wherein the employer and certificated school personnel share the responsibility for on-the-job supervision.

CHAPTER 1538

An act to amend Sections 6261, 6262, 6268.6, 6268.8, 6268.14, 6268.22, and 8571 of, and to add Section 6268.7 to, the Education Code, relating to vocational training.

[Approved by Governor September 20, 1970 Filed with Secretary of State September 20, 1970]

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

SECTION 1. Section 6261 of the Education Code is amended to read:

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 23 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. Each of the three additional members appointed pursuant to this section as amended at the 1970 Regular Session shall serve for a term of four years.

SEC. 4. Section 6262 of the Education Code is amended to read:

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.

(q) Three persons representing private postsecondary education institutions not provided for in subdivision (d).

SEC. 4.5. Section 6268.7 is added to the Education Code, to read:

6268.7. Each area committee shall determine a system of membership rotation so that, after the first two years of operation, approximately one-third of the members will be replaced each year.

SEC. 5. Section 6268.6 of the Education Code is amended to read:

6268.6. Each area vocational committee shall be composed of 17 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; three members representing private postsecondary educational institutions authorized or approved under the provisions of paragraph (2) of subdivision (a) of and subdivision (b), (c), and (d) of Section 29007, and Section 29007.5; five public members who, through knowledge and experience, are representative of the industries in the area and two public members who are knowledgeable about the disadvantaged.

SEC. 6. Section 6268.6 of the Education Code is amended to read:

6268.6. Each area vocational committee shall be composed of 18 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; five public members who, through knowledge and experience, are representative of the industries in the area, two public members who are knowledgeable about the disadvantaged; three members representing private postsecondary educational institutions authorized or approved under the provisions of paragraph (2) of subdivision (a) of, and subdivisions (b), (c), and (d) of, Section 29007, and of Section 29007.5; and one person representing a county office of education within the region.

SEC. 7. Section 6268.8 of the Education Code is amended to read:

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) The representatives of the private postsecondary education institutions shall be selected by majority vote of the administrative heads of such education institutions within the area.

(e) Each of the seven 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.

SEC. 8. Section 6268.8 of the Education Code is amended to read:

6268.8. The members of each 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 seven 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.

(e) The representative of a county office of education shall be selected by a majority vote of the county superintendents of schools in the region.

SEC. 9. Section 6268.14 of the Education Code is amended to read:

6268.14. Each area vocational committee shall, no later than March 1, 1971, 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.

SEC. 10. Section 6268.22 of the Education Code is amended to read:

6268.22. It is the intent of the Legislature in enacting this article that the vocational education staff of both the State Board of Education and the Board of Governors of the California Community Colleges, through the coordination of the Director of Vocational Education, shall be responsible for its implementation and administration.

SEC. 11. Section 8571 of the Education Code is amended to read:

8571. The adopted course of study for grades 7 through 12 shall offer courses in the following areas of study:

(a) English, including knowledge of and appreciation for literature, language, and composition, and the skills of reading, listening, and speaking.

(b) Social sciences, drawing upon the disciplines of anthropology, economics, geography, history, political science, psychology, and sociology, designed to fit the maturity of the pupils. Instruction shall provide a foundation for understanding the history, resources, development, and government of California and the United States of America; the development of the American economic system including the role of the entrepreneur and labor; man's relations to his human and natural environment; eastern and western cultures and civilizations; and contemporary issues

(c) Foreign language or languages, beginning not later than grade 7, designed to develop a facility for understanding, speaking, reading, and writing the particular language.

(d) Physical education, with emphasis given to such physical activities as may be conducive to health and to vigor of body and mind.

(e) Science, including the physical and biological aspects, with emphasis on basic concepts, theories, and processes of scientific investigation, and with appropriate applications of the interrelation and interdependence of the sciences.

(f) Mathematics, including instruction designed to develop mathematical understandings, operational skills, and insight into problem-solving procedures.

(g) Fine arts, including art, music, or drama, with emphasis upon development of aesthetic appreciation and the skills of creative expression.

(h) Applied arts, including instruction in the areas of consumer and homemaking education, industrial arts, general business education, or general agriculture.

(i) Vocational-technical education designed and conducted for the purpose of preparing youth for gainful employment in such occupations and in such numbers as appropriate to the manpower needs of the community served and relevant to the career desires and needs of the students.

(j) Automobile driver education, designed to develop a knowledge of the provisions of the Vehicle Code and other laws of this state relating to the operation of motor vehicles, a proper acceptance of personal responsibility in traffic, a true appreciation of the causes, seriousness and consequences of traffic accidents, and to develop the knowledge and attitudes necessary for the safe operation of motor vehicles.

(k) Such other studies as may be prescribed by the governing board.

SEC. 12. It is the intent of the Legislature, if amendments to Sections 6268 6 and 6268.8 of the Education Code proposed by both this bill and Assembly Bill 644 are enacted, that both amendments be given effect and incorporated in Sections 6268.6 and 6268.8 in the form set forth in Sections 6 and 8, respectively, of this act. Therefore, in the event Assembly Bill 644 is enacted and amends Sections 6268 6 and 6268.8, Sections 6 and 8 of this act shall become operative at the same time that Sections 6268.6 and 6268.8, as amended by Assembly Bill 644, become operative, and at that time, Sections 6268 6 and 6268.8 of the Education Code as amended by Sections 5 and 7, respectively, of this act are repealed.

CHAPTER 1539

An act to amend Sections 1050 and 3031 of, to add Article 2.5 (commencing with Section 3049) to Chapter 1 of Part 1 of Division 4 of, and to repeal Sections 3032 and 3033 of, the Fish and Game Code, relating to safe hunting practices.

[Approved by Governor September 20, 1970. Filed with Secretary of State September 20, 1970.]

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

SECTION 1. Section 1050 of the Fish and Game Code is amended to read:

1050. All licenses, certificates, permits, and license tags authorized by this code shall be prepared and issued by the department.

The commission shall determine the form of all licenses, license tags, and certificates and the method of carrying and displaying all licenses, and may require and prescribe the form of applications therefor, and the form of any contrivance to be used in connection therewith.

Whenever under any of the provisions of this code a permit, certificate, or license is provided for, the commission shall, in accordance with such provisions, prescribe the terms and conditions under which the permit, certificate, or license shall be issued and the department shall issue the permit, certificate, or license in accordance therewith and with the applicable provisions of law.

SEC. 2. Section 3031 of the Fish and Game Code is amended to read:

3031. A hunting license, granting the privilege to take game birds and mammals, shall be issued:

(a) To any resident of this state, over the age of 16 years, upon the payment of four dollars ($4).

(b) To any resident of this state, under the age of 16 years, upon the payment of one dollar ($1).

(c) To any person not a resident of this state, upon the payment of twenty-five dollars ($25).

(d) To any person not a resident of this state, valid for one day and only for the taking of domesticated birds and pheasants while on the premises of a licensed pheasant club, upon the payment of five dollars ($5).

(e) To any person not a resident of this state, valid only at an organizational field trial under the provisions of Section 3510, upon the payment of five dollars ($5).

(f) To the wife of any veteran, as defined in Section 980 of the Military and Veterans Code, upon payment of the fee specified in subdivision (a), even though she be an alien.

SEC. 2.5. Section 3031 of the Fish and Game Code is amended to read:

3031. A hunting license, granting the privilege to take game birds and mammals, shall be issued:

(a) To any resident of this state, over the age of 16 years, upon the payment of four dollars ($4).

(b) To any resident of this state, under the age of 16 years, upon the payment of one dollar ($1).

(c) To any person not a resident of this state, upon the payment of twenty-five dollars ($25).

(d) To any person not a resident of this state, valid for one day and only for the taking of domesticated game birds and pheasants while on the premises of a licensed pheasant

club, or for the taking of domesticated migratory game birds on areas licensed for shooting such birds, upon the payment of five dollars ($5).

(e) To any person not a resident of this state, valid only at an organizational field trial under the provisions of Section 3510, upon the payment of five dollars ($5).

(f) To the wife of any veteran, as defined in Section 980 of the Military and Veterans Code, upon payment of the fee specified in subdivision (a), even though she be an alien.

SEC. 3. Section 3032 of the Fish and Game Code is repealed.

SEC. 4. Section 3033 of the Fish and Game Code is repealed.

SEC. 5. Article 2.5 (commencing with Section 3049) is added to Chapter 1 of Part 1 of Division 4 of the Fish and Game Code, to read:

Article 2.5. Hunter's Safety

3049. It is the intent of the Legislature in enacting this article to ensure the health and safety of its citizens engaged in activities requiring the use of hunting implements.

The Legislature finds and declares that individuals who engage in hunting should possess an adequate understanding of hunter safety practices, principles of conservation, and sportsmanship.

It is also the intent of the Legislature that persons so engaged be mindful of their responsibilities to others, toward wildlife, and toward their natural environment. The department shall take all steps necessary to carry out the provisions of this article.

3050. No resident hunting license shall be issued to any person unless he presents to the person authorized to issue such license either: (a) Evidence that he has held a hunting license issued by this state in a prior year. (b) A certificate of competence in hunter safety, principles of conservation, and sportsmanship as provided in this article, with a hunter safety instruction validation stamp affixed thereto. (c) A certificate of successful completion of a hunter safety course in another state. (d) Such evidence of competence in hunter safety, principles of conservation, and sportsmanship as the commission may by regulation require

The evidence required in subdivisions (a), (b), and (c) shall be forwarded to the department with the license agent's report of hunting license sales.

This section shall not be applicable to any person not a resident of this state, purchasing a hunting license under the provisions of subdivision (d) or (e) of Section 3031. Such license shall not qualify as evidence required in subdivision (a) or (c) of this section.

3051. The department shall provide for a course of instruction in hunter safety, principles of conservation, and sportsmanship, and for this purpose may cooperate with any

reputable association or organization having as one of its objectives the promotion of hunter safety, principles of conservation, and sportsmanship.

The department may designate as a hunter safety instructor any person found by it to be competent to give instruction in the courses required in this article. A person so appointed shall give such course of instruction, and, upon completion thereof, shall issue to the person instructed a certificate of competency as provided by the department in hunter safety, principles of conservation, and sportsmanship.

The department shall prescribe a minimum level of skill and knowledge to be required of all hunter safety instructors, and may limit the number of students per instructor in all required classes.

The department may revoke the certificate of any instructor when, in the opinion of the department, it is in the best interest of the state to do so.

3052. No fee shall be charged for the instructor's service, however, a fee to cover the cost of giving such instructions may be charged each person participating and receiving such instructions. A record of such expenses shall be kept for inspection by the department. Such expenses may include, but not be limited to, such items as range fees, ammunition and transportation of students.

3053. In the case of loss or destruction of a certificate, a duplicate certificate may be issued by the instructor who issued the original certificate, or, by an instructor of the sponsoring organization having adequate records to establish successful completion of the prescribed course.

3054. The department shall furnish information on hunter safety, principles of conservation and sportsmanship which shall be distributed free of charge to persons designated as hunter safety instructors for instructional purposes.

3055. Persons who apply for a resident hunting license and qualify for such a license through the issuance of a certificate of competence in hunter safety, principles of conservation, and sportsmanship as provided by this article, shall obtain a hunter safety instruction validation stamp. The hunter safety instruction validation stamp shall be issued by license agents for a fee of one dollar ($1) in the same manner as resident hunting licenses except that the compensation provided in Section 1055 shall not be paid to the license agent for the sale of such stamp. The validation stamp shall be affixed to the certificate of competence.

SEC. 6. This act shall become operative on June 1, 1971.

SEC. 7. It is the intent of the Legislature, if amendments to Section 3031 of the Fish and Game Code proposed by both this bill and Assembly Bill No. 849 are enacted, that both amendments be given effect and incorporated in Section 3031 in the form set forth in Section 2.5 of this act. Therefore, in the event Assembly Bill No. 849 is enacted and amends Section 3031, Section 2.5 of this act shall become operative on June 1, 1971, and Section 2 of this act shall not take effect.

CHAPTER 1540

An act to amend Section 1825 of the Education Code, relating to school district territory transfer.

[Approved by Governor September 20, 1970. Filed with Secretary of State September 20, 1970.]

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

SECTION 1. Section 1825 of the Education Code is amended to read:

1825. Whenever in the creation or dissolution of a school district, or the change of boundaries thereof, pursuant to any provision of Division 5 of this code, an existing district having outstanding bonded indebtedness is divided between two or more districts, whether or not previously existing, the territory of the district so divided as constituted prior to said division, shall remain liable for the outstanding bonded indebtedness of said district existing at the time of said division, and said territory shall, except as otherwise provided in this section, be liable for taxation for the repayment of principal and interest on said outstanding bonded indebtedness until the same is fully retired.

(a) Whenever in the creation or dissolution of a school district, or the change of boundaries thereof, pursuant to any provision of Division 5 of this code, an existing district having outstanding bonded indebtedness is divided between two or more districts, and as a result of said division, real property and improvements thereon, if any, which are the property of the divided district are transferred to one or more new or existing districts, the county superintendent of schools shall, for each acquiring district, calculate a "bond factor" to be computed as follows:

(1) The county superintendent of schools shall separately appraise or cause to be appraised the fair market value as of the date the action of division is complete, of all parcels of real property and improvements thereon, if any, which are the property of the divided district on said date, and thereafter compute the total fair market value of all real property and improvements thereon, if any, which are the property of the divided district on the date the action of division is complete, which total shall be the denominator of each "bond factor" computation;

(2) The county superintendent of schools shall then compute the total fair market value as appraised of those parcels of real property and improvements thereon, if any, to be acquired from the divided district by each acquiring district, which total shall be the numerator of the bond factor calculated for each acquiring district.

(b) The county superintendent of schools shall multiply each bond factor computed pursuant to subdivision (a) of this section, by the total principal of bonded indebtedness,

and interest thereon to maturity, of the divided district outstanding as of the date the action of division is complete, and shall certify to each acquiring district the amount resulting from the multiplication of the bond factor computed for said acquiring district as herein provided. The amount so certified to each acquiring district shall be designated "use charge."

(c) Beginning the fiscal year in which the aforementioned action or division is effective for all purposes the district acquiring the real property and improvements thereon, if any, as herein provided, shall pay annually to the county superintendent of schools for deposit in a separate fund that portion of the use charge certified as herein provided equal to the amount which would be annually required to pay principal of and interest on that portion of the bonded indebtedness of the divided district outstanding as of the date the action of division is effective for all purposes as represented by the use charge certified as herein annually the amounts deposited in said fund as herein provided for the payment of principal of and interest on the outstanding bonded indebtedness of the divided district. To the extent that said annual payments to the county superintendent of schools are sufficient to pay the principal of and interest on said outstanding bonded indebtedness as the same become due, the territory of the divided district shall not be taxed therefor.

(d) The annual payment required by the provisions of subdivision (c) hereinabove to be made by the acquiring district shall be designated the "use payment". Beginning the fiscal year in which the action of division is effective for all purposes, the county board of supervisors shall, each year, levy a tax upon the territory of the acquiring district in an amount sufficient to enable said district to make the annual use payment as hereinabove provided. Said tax shall be in addition to any other taxes authorized by law or by election.

(e) Notwithstanding any other provision of this code, for purposes of the State School Building Aid Law, that amount of outstanding bonded indebtedness of the divided district equal to what would have been certified as the use charge, if the same had been computed without reference to any interest on the principal of the bonded indebtedness, shall be considered a liability of the district liable for the use payment for purposes of computing bonding capacity of said district.

(f) When a use charge certified as herein provided has been paid in full, the use payments herein provided shall cease.

(g) If an existing high school district is divided and a unified school district is formed from the territory within such high school district, and such division and formation is effective for all purposes on July 1, 1969, the county superintendent of schools, in computing the bond factor pursuant to subdivision (a) of this section, shall include in the appraisal of real property and improvements an amount equal to the funds of the high school district which are required to be expended

for a project pursuant to Chapter 10 (commencing with Section 19551) of Division 14.

(h) The cost of the appraisal caused to be made under this section shall be a charge against the general fund of the resulting districts. The cost of the appraisal shall be shared by each district in the amount determined by multiplying the bond factor for each district by the total cost of the appraisal. The cost of an appraisal is an expense within the meaning of Section 17460.

CHAPTER 1541

An act to amend Section 22601 of the Education Code, relating to public higher education.

[Approved by Governor September 20, 1970. Filed with Secretary of State September 20, 1970.]

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

SECTION 1. Section 22601 of the Education Code is amended to read:

22601. The board shall be composed of the following five ex officio members: the Governor, the Lieutenant Governor, the Speaker of the Assembly, the Superintendent of Public Instruction, and the person named by the trustees to serve as the Chancellor of the California State Colleges; and 16 appointive members appointed by the Governor, except that the members, as of the effective date of this section, of the State Board of Education shall serve ex officio as and among the first appointive trustees.

SEC. 2. Section 1 of this act shall become operative only if Assembly Constitutional Amendment No. 32 of the 1970 Regular Session is enacted by the Legislature at its 1970 Regular Session and approved by the electors, in which event it shall become operative at the same time as that constitutional amendment takes effect.

CHAPTER 1542

An act to amend Sections 5779, 6750, 6751, 6751.1, 6752, 6752.1, 6755, 6755.1, 6755.3, 6757, 6812, 11201, 11202, 11226, 17200.5, 17926, 18102.6 and 18102.8 of, to add Sections 6751.5 and 18102 to, and to repeal Sections 6755.2 and 18102 of, the Education Code, relating to public schools.

[Approved by Governor September 20, 1970. Filed with Secretary of State September 20, 1970.]

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, as defined in this code, shall be exempted from the testing requirement imposed by this chapter.

Pupils who have been determined to be educationally handicapped, as defined in this code, shall be subject to the testing requirement imposed by this chapter, except such pupils shall be tested separately from regular pupils and the test scores or results with respect to such pupils shall be submitted separately. The Department of Education shall annually prepare a comparative analysis of the scores or results of tests administered to educationally handicapped pupils and regular pupils. The Department of Education shall annually report to the Legislature the scores or results of the tests administered to educationally handicapped pupils.

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 6750 of the Education Code is amended to read:

6750. As used in this chapter, "educationally handicapped minors" are minors who, by reason of marked learning or behavior disorders, or both, cannot benefit from the regular educational program, and who, as a result thereof, require the special education programs authorized by this chapter. Such learning or behavior disorders shall be associated with a neurological handicap or emotional disturbance and shall not be attributable to mental retardation.

SEC. 3. Section 6751 of the Education Code is amended to read:

6751. The governing board of any school district or a county superintendent of schools with the approval of the county board of education, maintaining schools in juvenile halls or juvenile homes, ranches, or camps as authorized by the Welfare and Institutions Code, may provide for any one or more of the special educational programs for educationally handicapped minors authorized in this section. A county superintendent of schools may enter into an agreement pursuant to Section 6753 with the governing board of a school district having less than 901 average daily attendance in the elementary schools or less than 901 in the high schools of the district to provide any one or more of such special educational programs for the district, or the county superintendent of schools may enter into an agreement pursuant to Section 6753 with the governing board of a school district having an average daily attendance of 901 or more in the elementary schools of the district or 901 or more in the high schools of the district to provide only those special educational programs for the district which are set forth in subdivision (a), (c), or (d), or any combination thereof. Whenever a special educational program for educationally handicapped pupils set forth in subdivision (a) or (d) of this section is provided by a county superintendent of schools for a district with an average daily attendance of 901 or more in the elementary schools of the district or 901 or more in the high schools of the district, pursuant to an agreement entered into pursuant to Section 6753, the foundation program prescribed in Section 17656 for an elementary district with an average daily attendance of 901 or more shall apply to educationally handicapped pupils of the elementary schools of the district who are in such a special education program and the foundation program prescribed in Section 17665 shall apply to educationally handicapped pupils of the high schools of the district who are in such a special educational program.

Such special educational programs shall be provided in accordance with standards for each approved by the State Board of Education. Such standards shall emphasize fundamental school subjects with the aim of returning the pupils to the regular school program at the earliest possible date consistent with the interest of the pupil.

The special educational programs for educationally handicapped minors are:

(a) Special day classes (elementary and secondary). Under this program, educationally handicapped pupils unable to function in a regular class are assigned to a special day class. The special day class shall be maintained for not less than the minimum schoolday. In this program, fundamental school subjects shall be emphasized as prescribed by the State Board of Education.

(b) Learning disability groups (elementary and secondary). In this program, the pupil remains in his regular class but is scheduled for individual or small group instruction given by a special teacher. Whenever two to four educationally handicapped pupils are instructed at the same time by the same teacher in a learning disability group conducted by a school district or county superintendent of schools, the total attendance credited for such pupils shall equal one unit of attendance for each 60 minutes of instruction.

(c) Specialized consultation to teachers, counselors, and supervisors (elementary and secondary). Under this program, specialized consultation is provided teachers, counselors, and supervisors relative to the learning disabilities of individual pupils and special education services required by such pupils.

(d) Home and hospital instruction (elementary and secondary). Under this program, a pupil who is unable to function in a school setting and who does not attend school receives instruction at the appropriate grade level at home or in a hospital.

SEC. 4. Section 6751.1 of the Education Code is amended to read:

6751.1. The maximum size for the special educational programs for educationally handicapped minors defined in Section 6751 shall be as follows:

(a) For special day classes the maximum enrollment shall be 12 pupils per class.

If after the beginning of the school year it is determined that classes are at maximum size, that additional pupils will be without schooling unless additional classes are established, and that additional qualified teachers are not available for employment, a school district or a county superintendent of schools may, on forms provided for this purpose by the Department of Education, request permission of the Superintendent of Public Instruction to exceed the maximum class size for all or a part of the remainder of the school year. The Superintendent of Public Instruction may approve such request for all or a part of the remainder of the school year, provided the maximum size is not increased by more than two pupils above the maximum enrollment specified.

(b) For learning disability groups the maximum enrollment shall be 32; however, participation in any given learning disability group shall be for at least 30 minutes and shall not exceed eight pupils at any one time.

The instruction provided by a full-time teacher, whether offered by a single teacher or two or more part-time teachers, shall result in not more than eight units of average daily attendance being credited as the result of such instruction.

SEC. 4.5. Section 6751.5 is added to the Education Code, to read:

6751.5. The governing board of each school district may provide for instruction of educationally handicapped pupils who reside in all regularly established nonprofit, tax-exempt, licensed children's institutions within the district. Under such a program, a pupil who is unable to function in a school setting and who does not attend school receives instruction at the appropriate grade level in the institution, or a pupil who resides in the institution and who is able to function in a school setting receives instruction at the appropriate grade level in the public school facilities.

The governing board may contract with the county superintendent of schools for the provision of such programs.

SEC. 5. Section 6752 of the Education Code is amended to read:

6752. A school district maintaining special educational programs for educationally handicapped minors shall not enroll at any given time more than 2 percent of total district enrollment in such programs except as permitted by special authorization of the Superintendent of Public Instruction. As used in this section, total district enrollment means the average number of pupils, exclusive of pupils for whom a tuition payment is charged pursuant to Chapter 10 (commencing with Section 6950) of Division 6, enrolled at the end of the first school month and the sixth school month of the school year.

The superintendent shall report to each regular session of the Legislature (1) the school districts, and county superintendents of schools permitted to exceed the 2 percent during the preceding school year, (2) the number of additional pupils involved, and (3) the reasons existing that resulted in granting the permission requested.

A county superintendent of schools maintaining schools in juvenile halls or juvenile homes, ranches, or camps as authorized by the Welfare and Institutions Code shall not enroll at any given time more than 2 percent of the juvenile population thereof in programs for educationally handicapped minors except as permitted by the Superintendent of Public Instruction.

The 2-percent limitation prescribed by this section does not include pupils participating in a program for educationally handicapped minors pursuant to Section 6751.5.

SEC. 6. Section 6752.1 of the Education Code is amended to read:

6752.1. In any fiscal year, extension of an existing program by a school district or county superintendent of schools which exceeds 120 percent of the enrollment at the end of the sixth school month of the prior year shall receive the prior

approval of the Superintendent of Public Instruction before any allowance or apportionment is made therefor for the purposes of this article.

SEC. 6.5. Section 6755 of the Education Code is amended to read:

6755. (a) Admission of minors to programs for the educationally handicapped established under the provisions of this chapter shall be made only on the basis of an individual evaluation according to standards established by the State Board of Education and upon individual recommendation of an admission committee which shall include an administrator in charge of special education programs in the school district or county or administrator designated by the school district or county superintendent of schools, an experienced special education teacher, a school nurse, and a school psychologist or other pupil personnel worker authorized to serve as a school psychologist who has examined the child under consideration for eligibility and placement. The admission committee shall use such health reports as are needed to properly evaluate the child. The admission committee shall have the services or presence of other pupil personnel workers, educational specialists, school nurses, social workers, optometrists, or physicians as the committee may require and request.

The recommendation shall include a statement, that in the professional judgment of the members of the admission committee the minor is recommended for placement in a program for educationally handicapped minors to ameliorate a marked learning disability associated with a neurological handicap or emotional disturbance, or both. Any member of the admission committee dissenting from the final committee recommendation shall attach to the final recommendation a statement of reasons for such objection.

(b) The administrative head of a school district or office of the county superintendent of schools may make an interim placement of a pupil in a program for the educationally handicapped for a period not to exceed 90 days whenever a pupil transfers into the school district from another school district in which his last enrollment was in a program for educationally handicapped minors, such an interim placement may be made without the complete documentation specified in subdivision (a). Before the expiration of the 90-day period such interim placement shall be reviewed by the admission committee and a final recommendation shall be made by the admission committee in accord with the requirements of this chapter. The committee may utilize information, records, and reports from the admission committee proceedings of the school district or county program from which the pupil transferred.

SEC. 7. Section 6755.1 of the Education Code is amended to read:

6755.1 The admission committee shall annually (1) review the appropriateness of the placement of minors in special educational programs under the provisions of this chapter and

(2) submit recommendations as to the return of such minors to the regular school program, continuance in the program for the educationally handicapped, transfer to other special educational programs, or referral to other agencies.

SEC. 8. Section 6755.2 of the Education Code is repealed.

SEC. 9. Section 6755.3 of the Education Code is amended to read:

6755.3. No minor shall be required to participate in a program for educationally handicapped minors unless the admission committee or a member of the admissions committee appointed by such committee has personally consulted with the parent or guardian of the minor regarding the learning disorders of the minor and the objectives of the program, and the parent or guardian has subsequent to such counseling and prior to participation in a special educational program, filed written consent to such participation with the governing board of the school district or with the office of the county superintendent of schools.

SEC. 10. Section 6757 of the Education Code is amended to read:

6757. The State Board of Education shall adopt rules and regulations which shall prescribe standards for special educational programs for educationally handicapped minors which shall include, but need not be limited to, individual evaluation of pupils, curriculum content and teacher qualifications for each type of program authorized pursuant to this chapter, and provisions for periodic examination, reevaluation, or transfer of educationally handicapped minors participating in special educational programs maintained for each type of program authorized under the provisions of this chapter.

SEC. 11. Section 6812 of the Education Code is amended to read:

6812. Subject to the provisions of Section 894 physically handicapped minors may be instructed in special schools or special classes, in hospitals, sanatoriums, or preventoriums, in the home through the employment of home instructors, by cooperative arrangement with the Department of Rehabilitation, or by any other means approved by the State Department of Education.

Minors with speech disorders or defects may be admitted at school for individual or small group instruction of four pupils or less at the age of three years for the purpose of remedying such speech disorders or defects.

Minors who are deaf or hard of hearing, as determined by the State Board of Education, and between the ages of three and six years may be admitted at school for individual instruction or be instructed in the home through the employment of a home instructor, provided there are fewer than five such educable minors in the community making the establishment of a special day class impracticable, or the establishment of a special day class for such minors is impracticable because there are fewer than five such minors in the community within

reasonable travel distance of a school suitable for the establishment of such a special day class, and provided, further, that such instruction is afforded by a teacher or home instructor possessing full qualifications for the credential to teach deaf pupils as prescribed by the regulations of the State Board of Education.

SEC. 12. Section 11201 of the Education Code is amended to read:

11201. Attendance of physically handicapped pupils in a graded special class for the same number of minutes as constitute a day of attendance in the same grade of regular classes shall constitute a day of attendance, except for such minors 16 years of age and over who are enrolled in an approved occupational training program or work experience education program. Each clock hour of teaching time devoted to individual instruction of physically handicapped pupils shall count as one day of attendance. Whenever one to four physically handicapped pupils are instructed at the same time by the same teacher in a remedial class conducted by a school district or the county superintendent of schools, the total attendance credited for such pupils shall equal one unit of attendance for each 60 minutes of instruction. The average daily attendance of all physically handicapped pupils shall be computed by dividing the total number of days of attendance of the pupils by the number of days taught in the regular schools of the district.

Notwithstanding any provision of this code to the contrary, however, when a physically handicapped minor 16 years of age or over is enrolled in an approved occupational training program pursuant to Sections 6931 and 6932 of this code, two clock hours of attendance in a special day school or class in combination with two clock hours of attendance in such an occupational training program shall count as one day of attendance.

Notwithstanding any provision of this code to the contrary, however, when a physically handicapped minor 16 years of age or over is enrolled in an approved off-campus work experience education program, three clock hours of attendance in a special day class or in a regular day class, in combination with one clock hour of attendance in such a work experience education program shall count as one day of attendance.

No such pupil shall be credited with more than five days of attendance per calendar week or more than the number of calendar days such special day school or class is maintained in such fiscal year.

SEC. 13. Section 11202 of the Education Code is amended to read:

11202. With respect to physically handicapped pupils given instruction at home or in a hospital or in the case of minors with speech disorders or defects who may be admitted at the age of three years for individual or small group instruction of four pupils or less at the school, each clock hour of teaching

time devoted to the instruction of such pupils shall count as one day of attendance. No provision of this chapter (commencing at Section 10951) of this code limiting the number of days of attendance with which a pupil may be credited in any one calendar day is applicable to such pupils but no such pupil shall be given individual instruction for more than three hours in any one day or credited with more days of attendance for individual instruction during any fiscal year than the number of legal calendar days school may be maintained during such fiscal year.

SEC. 14. Section 11226 of the Education Code is amended to read:

11226. Attendance of educationally handicapped minors, as identified pursuant to Chapter 7.1 (commencing with Section 6750) of Division 6, enrolled in a special day class, who attend school for the same number of minutes as constitute a minimum schoolday prescribed in Sections 11008 and 11054, shall constitute a day of attendance. Each clock hour of teaching time devoted to individual instruction of educationally handicapped minors shall count as one day of attendance. The average daily attendance of all educationally handicapped minors shall be computed by dividing the total number of days of attendance of the pupils by the number of days taught in the regular schools of the district.

SEC. 15. Section 17200.5 of the Education Code is amended to read:

17200.5. For purposes of determining allowances pursuant to Article 14 (commencing with Section 6421) of Chapter 6 of Division 6, and Chapters 7.1 (commencing with Section 6750), 8 (commencing with Section 6801), and 9 (commencing with Section 6901), respectively, of Division 6, the Superintendent of Public Instruction shall require the use of a uniform cost accounting procedure, as set forth in Part VI, Program Cost Accounting, of the California School Accounting Manual.

SEC. 16. Section 17926 of the Education Code is amended to read:

17926. The Superintendent of Public Instruction shall apportion to each elementary school district and to each high school district the difference between the amount computed under Section 17924 or Section 17925, as the case may be, and the revenue which would be produced (1) for elementary school districts, determined by multiplying the tax rate under Section 17921, modified pursuant to Section 17924, and (2) for high school districts, determined by multiplying the tax rate under Section 17922, modified pursuant to Section 17925, by the assessed valuation of such district. This amount shall be known as supplemental support to school districts.

SEC. 17. Section 18102 of the Education Code is repealed.

SEC. 18. Section 18102 is added to the Education Code, to read:

18102. The Superintendent of Public Instruction shall allow to each school district or county superintendent of schools

for the education of physically handicapped minors during the current fiscal year an amount computed as follows:

(a) Dividing the average daily attendance of physically handicapped minors by the maximum class size established by law for special day classes for physically handicapped minors, and increasing the quotient to the next highest integer where a fractional amount is produced.

(b) Multiplying the amount computed under subdivision (a) by a total support guarantee of seventeen thousand two hundred sixty dollars ($17,260), and

(c) Subtracting from the amount computed under subdivision (b) the applicable of the following amounts:

(1) The product of the average daily attendance of physically handicapped minors in kindergartens and grades 1 to 8, inclusive, and the foundation program per pupil established for elementary school districts with an average daily attendance of 901 or more by Section 17660, and

(2) The product of the average daily attendance of physically handicapped minors in grades 9 to 12, inclusive, and the foundation program per pupil established for high school districts with an average daily attendance of 301 or more by Section 17665.

(3) The product of the average daily attendance of physically handicapped minors in grades 13 and 14, and the foundation program per pupil established for junior college districts with an average daily attendance in excess of 1,000 by Section 17666.2.

SEC. 19. Section 18102.6 of the Education Code is amended to read:

18102.6. The Superintendent of Public Instruction shall allow to each school district or county superintendent of schools for the education of educationally handicapped minors during the current fiscal year an amount computed as follows:

(a) Dividing the average daily attendance of educationally handicapped minors, less the enrollment in excess of the maximum class size authorized pursuant to Section 6751.1, by the maximum class size established by law for special day classes for educationally handicapped minors, and increasing the quotient to the next highest integer where a fractional amount is produced.

(b) Multiplying the amount computed under subdivision (a) by a total support guarantee of sixteen thousand two hundred sixty dollars ($16,260), and

(c) Subtracting from the amount computed under subdivision (b) the applicable of the following amounts:

(1) The product of the average daily attendance of educationally handicapped minors in kindergartens and grades 1 to 8, inclusive, and the foundation program per pupil established for elementary school districts with an average daily attendance of 901 or more by Section 17660, and

(2) The product of the average daily attendance of educationally handicapped minors in grades 9 to 14, inclusive, and

the foundation program per pupil established for high school districts with an average daily attendance of 301 or more by **Section 17665.**

(3) The product of the average daily attendance of physically handicapped minors in grades 13 and 14, and the foundation program per pupil established for junior college districts with an average daily attendance in excess of 1,000 by Section 17666.2.

SEC. 20. Section 18102.8 of the Education Code is amended to read:

18102.8. The governing board of a school district with an average daily attendance of less than 2,000 pupils during the current fiscal year, or a county superintendent of schools, may apply to the Superintendent of Public Instruction whenever sparsity of population or transportation distances make it impossible to maintain classes of the maximum size as prescribed by this code or by the State Board of Education. If the Superintendent of Public Instruction, upon review, finds that it is impossible to maintain classes of the maximum size as prescribed by this code or by the State Board of Education, he may add to the amounts allowed under Sections 18102 to 18102.6, inclusive, an amount sufficient to provide for the needed classes, but not more per special class than the applicable amounts computed in those sections.

CHAPTER 1543

An act to add Sections 6902.06, 6902.08, 6902.09, 6902.10, 18102.11, and 18102.12 to the Education Code, relating to education, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 20, 1970. Filed with Secretary of State September 20, 1970.]

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

SECTION 1. Section 6902.06 is added to the Education Code, to read:

6902.06. Before any minor is admitted to a special education program for mentally retarded minors established pursuant to this chapter, the minor shall be given verbal or nonverbal individual intelligence tests in the primary home language in which the minor is most fluent and has the best speaking ability and capacity to understand. Such tests shall be selected from a list approved by the State Board of Education.

SEC. 2. Section 6902.08 is added to the Education Code, to read:

6902.08. All minors presently participating in special education programs for the mentally retarded under the provisions of Sections 6901 to 6913, inclusive, and in Sections 895

to 895.10, inclusive, shall be retested according to the provisions of Section 6902.06 prior to the conclusion of the 1970 calendar year.

SEC. 3. Section 6902.09 is added to the Education Code, to read:

6902.09. Any minor who is determined to be misplaced in a special education program for the mentally retarded pursuant to Section 6902.08 shall be withdrawn from such a program upon consultation with his parents or guardian. Such a minor may be placed in a compensatory education program or any similar supplementary educational program conducted by the district with the goal of accelerating his educational attainment so that he may participate in the regular instruction of the district.

SEC. 4. Section 6902.10 is added to the Education Code, to read:

6902.10. The Superintendent of Public Instruction shall annually report to the State Board of Education on those districts in which there is a significant variance in racial and ethnic composition between special education classes for mentally retarded minors established pursuant to Sections 6901 to 6913 and the regular enrollment of the district.

SEC. 5. Section 18102.11 is added to the Education Code, to read:

18102.11. In lieu of the allowances provided under Sections 18102 to 18102 9, inclusive, for mentally retarded minors and severely mentally retarded minors, with respect to such pupils reevaluated and reexamined and determined to have the mental capacity for regular school enrollment, but in addition to allowances provided for foundation program support, the Superintendent of Public Instruction shall grant, from the moneys allocated by subdivision (c) of Section 17303.5, an allowance to school districts and county superintendents of schools providing supplemental education programs to facilitate the return to the regular school program of mentally retarded minors and severely mentally retarded minors who have been in special day classes, but who, upon being reevaluated or reexamined, are determined to have the mental capacity for regular school enrollment.

The allowance shall be an amount equal to the allowance computed pursuant to Section 18102.2, and Section 18102.8, if applicable. The allowance shall be granted for not more than the two next succeeding fiscal years, following the retesting under the direction of the Department of Education.

The allowance shall be granted for each of the two next succeeding fiscal years, following the reevaluation or reexamination.

Whenever a school district or the Superintendent of Public Instruction determines that an eligible student has made satisfactory academic progress so that he may be integrated into the regular school program, the district shall be ineligible for

further support for such student pursuant to this article and the district's apportionment shall be likewise reduced.

This section shall not be operative on or after July 1, 1972.

SEC. 6. Section 18102.12 is added to the Education Code, to read:

18102.12 Beginning with the 1970–1971 fiscal year, for each special educational program for which an allowance is provided under Section 18102.11, each school district and each county superintendent of schools maintaining such program shall report annually to the Superintendent of Public Instruction, on forms he shall provide, all expenditures and income related to each such program.

If the Superintendent of Public Instruction, in consultation with the Director of Special Education, determines that the current expense of operating a special program does not equal or exceed the total of basic state aid and state equalization aid provided for support of the regular foundation program per unit of average daily attendance and the allowance provided under Section 18102.11, and any amount of local tax funds contributed toward the support of the foundation programs for each pupil in average daily attendance in the special program, then the amount of such deficiency shall be withheld from state apportionments to the school district or the county superintendent of schools, as the case may be, in the succeeding fiscal year in accordance with the procedure prescribed in Section 17414.

This section shall not be operative on or after July 1, 1972.

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 pupils who have been incorrectly placed in classes for mentally retarded and severely mentally retarded may be placed in the regular school program as quickly as possible, it is necessary that this act take effect immediately.

CHAPTER 1544

An act to amend Sections 14150 and 14155 of the Government Code, to amend Sections 50, 80.2, 82, 85.2, 651, 652, 658, 663.5, and 664, as amended by Assembly Bill No. 315, of, to add Section 72.6 to, to repeal Section 80.4, of, and to repeal Section 72.6, as added by Assembly Bill No. 315, of, the Harbors and Navigation Code, to amend Section 5008, as amended by Assembly Bill No 315, of, and to amend Section 5003.6, as added by Assembly Bill No. 315, of, the Public Resources Code, to amend Section 84 of the Streets and Highways Code, to amend Section 11918, as amended by Assembly Bill No. 315, of the Water Code, and to amend

Sections 9851, 9852, and 9853, as added by Assembly Bill No. 315, of the Vehicle Code, relating to the executive branch of the California state government.

[Approved by Governor September 20, 1970. Filed with Secretary of State September 20, 1970.]

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

SECTION 1. Section 14150 of the Government Code is amended to read:

14150. When requested in writing by the Bureau of Public Roads, the Maritime Commission, the Army, the Air Force, or the Navy, the department and each division thereof may perform any engineering, architectural, construction, maintenance, or mechanical work for or on behalf of the United States if such work is to be completely financed by federal funds, except for general administrative expense. The department may enter into agreements with the authorized officials of the United States for the performance of any such work.

Any agreement providing for such work to be done by the Department of General Services, the Department of Water Resources, or the Department of Navigation and Ocean Development shall be subject to the approval of the Department of Finance.

SEC. 2. Section 14155 of the Government Code is amended to read:

14155. "Department," as used in this article, means the Department of Public Works as to work within its jurisdiction, the Department of Water Resources as to work within its jurisdiction, the Department of Navigation and Ocean Development as to any project under the jurisdiction of that department pursuant to Article 2.5 (commencing with Section 65) of Chapter 2 of Division 1 of the Harbors and Navigation Code, and the Department of General Services with respect to the construction, alteration, repair, and improvement of state buildings.

SEC. 3. Section 50 of the Harbors and Navigation Code, as amended by Assembly Bill No. 315, is amended to read:

50. The Department of Harbors and Watercraft is continued in existence in the Resources Agency as the Department of Navigation and Ocean Development. The department is the successor to, and is vested with, the powers, functions, and jurisdiction of the following state departments and agencies as hereinafter specified:

(a) All of the powers, functions, and jurisdiction previously vested in the Division of Small Craft Harbors of the Department of Parks and Recreation.

(b) All of the powers, functions, and jurisdiction of the State Lands Commission with respect to the acquisition, construction, development, improvement, maintenance, and operation of small craft harbors.

(c) All of the powers, functions, and jurisdiction of the Department of Parks and Recreation with respect to boating facility planning, design, and construction.

(d) All of the powers, functions, and jurisdiction of the Office of Architecture and Construction in the Department of General Services with respect to boating facility planning and design.

(e) All of the powers, functions, and jurisdiction of the Department of Water Resources with respect to beach erosion control.

(f) All of the policymaking and regulatory powers, functions, and jurisdiction of the Harbors and Watercraft Commission as to matters within the jurisdiction of the department.

SEC. 4. Section 72.6, as added to the Harbors and Navigation Code by Assembly Bill No. 315, is repealed.

SEC. 5. Section 72.6 is added to the Harbors and Navigation Code, to read:

72.6. Transfers pursuant to Section 70, loans pursuant to Section 71.4, and grants pursuant to Section 72.5 shall be made by the department with the advice and consent of the commission.

SEC. 6. Section 80.2 of the Harbors and Navigation Code, as amended by Assembly Bill No. 315, is amended to read:

80.2. The commission shall be composed of seven members appointed by the Governor, with the advice and consent of the Senate. The members shall have experience and background consistent with the functions of the commission. In making appointments to the commission, the Governor shall give primary consideration to geographical location of the residence of members as related to major oceanographic activities, boating activities, and harbors.

The Governor shall appoint the first seven members of the commission for the following terms to expire on January 15th: one member for one year, two members for two years, two members for three years, and two members for four years. Thereafter appointments shall be for a four-year term. Vacancies occurring prior to the expiration of the term shall be filled by appointment for the unexpired term.

SEC. 7. Section 80.4 of the Harbors and Navigation Code is repealed.

SEC. 8. Section 82 of the Harbors and Navigation Code, as amended by Assembly Bill No. 315, is amended to read:

82. The commission, in furtherance of the public interest and in accordance therewith, shall advise the department with respect to all matters within the jurisdiction of the department. The department shall submit any proposed changes in regulations pertaining to boating functions and responsibilities of the department to the commission for its review and comment prior to enactment of such changes. The department shall submit proposals for transfers pursuant to Section 70, loans pursuant to Section 71.4, and grants pursuant to Section 72.5 to the commission for its advice and consent.

SEC. 9. Section 85.2 of the Harbors and Navigation Code, as amended by Assembly Bill No. 315, is amended to read:

85.2. All moneys in the Harbors and Watercraft Revolving Fund shall be available, when appropriated by the Legislature, for expenditures by the department for boating facilities development, boating safety, and boating regulation programs, and for the purposes of Section 656.4 of this code, including refunds, and for expenditure for construction of small craft harbor and boating facilities planned, designed, and constructed by the department, as specified in subdivision (c) of Section 50, at sites owned or under the control of the state. Vessel registration fees received into the fund shall be expended pursuant to Section 9863 of the Vehicle Code.

SEC. 10. Section 651 of the Harbors and Navigation Code, as amended by Assembly Bill No. 315, is amended to read:

651. As used in this chapter, unless the context clearly requires a different meaning:

(a) "Department" means the Department of Navigation and Ocean Development.

(b) "Director" means the Director of Navigation and Ocean Development.

(c) "Vessel" includes every description of watercraft used or capable of being used as a means of transportation on water, except the following:

(1) A seaplane on the water.

(2) A watercraft specifically designed to operate on a permanently fixed course, the movement of which is restricted to or guided on such permanently fixed course by means of a mechanical device on a fixed track or arm to which the watercraft is attached or by which the watercraft is controlled, or by means of a mechanical device attached to the watercraft itself.

(d) "Motorboat" means any vessel propelled by machinery, whether or not such machinery is the principal source of propulsion but shall not include a vessel which has a valid marine document issued by the Bureau of Customs of the United States government or any federal agency successor thereto.

(e) "Owner" is a person having all the incidents of ownership, including the legal title, of a vessel whether or not such person lends, rents, or pledges such vessel; the person entitled to the possession of a vessel as the purchaser under a conditional sale contract; or the mortgagor of a vessel. "Owner" does not include a person holding legal title to a vessel under a conditional sale contract, the mortgagee of a vessel, or the renter or lessor of a vessel to the state or to any county, city, district, or political subdivision of the state under a lease, lease-sale, or rental-purchase agreement which grants possession of the vessel to the lessee for a period of 30 consecutive days or more.

(f) "Legal owner" is a person holding the legal title to a vessel under a conditional sale contract, the mortgagee of a vessel, or the renter or lessor of a vessel to the state, or to any

county, city, district or political subdivision of the state, under a lease, lease-sale, or rental-purchase agreement which grants possession of the vessel to the lessee for a period of 30 consecutive days or more.

(g) "Registered owner" is the person registered by the Department of Motor Vehicles as the owner of the vessel.

(h) "Waters of this state" means any waters within the territorial limits of this state.

(i) "Person" means an individual, partnership, firm, corporation, association or other entity, but does not include the United States, the state or a municipality or subdivision thereof.

(j) "Operate" means to navigate or otherwise use a motorboat or vessel upon the waters of this state.

(k) "Undocumented vessel" means any vessel which is not required to have and does not have a valid marine document issued by the Bureau of Customs of the United States or any federal agency successor thereto.

SEC. 11. Section 652 of the Harbors and Navigation Code, as amended by Assembly Bill No. 315, is amended to read:

652. (a) Motorboats subject to the provisions of this chapter shall be divided into four classes as follows:

Class A. Less than 16 feet in length.

Class 1. Sixteen feet or over and less than 26 feet in length.

Class 2. Twenty-six feet or over and less than 40 feet in length.

Class 3. Forty feet or over.

(b) Every motorboat in all weathers from sunset to sunrise shall carry and exhibit the following lights when underway, and during such time no other lights which may be mistaken for those prescribed shall be exhibited:

(1) Every motorboat of classes A and 1 shall carry the following lights:

First. A bright white light aft to show all around the horizon.

Second. A combined lantern in the forepart of the vessel and lower than the white light aft, showing green to starboard and red to port, so fixed as to throw the light from right ahead to two points abaft the beam on their respective sides.

(2) Every motorboat of classes 2 and 3 shall carry the following lights:

First. A bright white light in the forepart of the vessel as near the stem as practicable, so constructed as to show an unbroken light over an arc of the horizon of 20 points of the compass, so fixed as to throw the light 10 points on each side of the vessel; namely, from right ahead to two points aft the beam on either side.

Second. A bright white light aft to show all around the horizon and higher than the white light forward.

Third. On the starboard side a green light so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass, so fixed as to throw the light from right

ahead to two points abaft the beam on the starboard side. On the port side a red light so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the port side. The side light shall be fitted with inboard screens of sufficient height so set as to prevent these lights from being seen across the bow.

(3) Each motorboat of every class when propelled by sail alone shall carry only the combined lantern or separate side lights as appropriate to its class, and in addition, one white light at the stern so constructed that it shall show an unbroken light over an area of the horizon of 12 points of the compass so fixed as to show the light 6 points from right aft on each side of the vessel.

(4) Every white light prescribed by this section shall be of such character as to be visible at a distance of at least two miles. Every colored light prescribed by this section shall be of such character as to be visible at a distance of at least one mile. The word "visible" in this subdivision, when applied to lights, shall mean visible on a dark night with clear atmosphere.

(5) When propelled by sail and machinery any motorboat shall carry the lights required by this section for a motorboat propelled by machinery only.

(6) The department may exempt from compliance with the provisions of this subdivision any motorboat of one horsepower or less rented by the owner of a boat livery, if the livery is being operated under a franchise from a city or county on waters where no other vessels are permitted.

(c) Any vessel may carry and exhibit the lights required by the International Regulations for Preventing Collisions at Sea, 1960, Federal Act of September 24, 1963 (33 U.S.C. 1051–1053, 1061–1094) as amended, in lieu of the lights required by subdivision (b) of this section.

(d) Every motorboat of class 1, 2, or 3 shall be provided with an efficient whistle or other sound-producing mechanical appliance.

(e) Every motorboat of class 2 or 3 shall be provided with an efficient bell.

(f) Every undocumented vessel shall carry at least one life preserver, or ring buoy, or other device of the sort prescribed by the regulations of the department for each person on board, so placed as to be readily accessible; provided, that every undocumented vessel carrying passengers for hire shall carry so placed as to be readily accessible at least one life preserver of the sort prescribed by the regulations of the department for each person on board. For the purposes of this subdivision, a person water skiing from such vessel shall be considered a person on board.

(g) Every motorboat shall be provided with such number, size, and type of fire extinguishers, capable of promptly and effectually extinguishing burning gasoline, as may be pre-

scribed by the regulations of the department, which fire extinguishers shall be at all times kept in condition for immediate and effective use and shall be so placed as to be readily accessible.

(h) The provisions of subdivisions (d), (e) and (g) of this section shall not apply to motorboats while competing in any race or, if such boats be designed and intended solely for racing, while engaged in such navigation as is incidental to the tuning up of the boats and engines for the race.

(i) Every motorboat shall have the carburetor or carburetors of every engine therein, except outboard motors, using gasoline as fuel, equipped with such efficient flame arrestor, backfire trap, or other similar device as may be prescribed by the regulations of the department.

(j) Every such motorboat and every such vessel, except open boats, using as fuel any liquid of a volatile nature, shall be provided with such means as may be prescribed by the regulations of the department for properly and efficiently ventilating the bilges of the engines and fuel tank compartments so as to remove any explosive or inflammable gases.

(k) The department may make rules and regulations modifying the equipment requirements contained in this section to the extent necessary to keep these requirements in conformity with the provisions of the federal navigation laws or with the navigation rules promulgated by the United States Coast Guard.

(*l*) The department may establish and maintain for the operation of vessels on the waters of this state pilot rules in conformity with the pilot rules contained in the federal navigation laws or the navigation rules promulgated by the United States Coast Guard.

(m) No person shall operate or give permission for the operation of a vessel which is not equipped as required by this section or modification thereof.

SEC. 12. Section 658 of the Harbors and Navigation Code, as amended by Assembly Bill No. 315, is amended to read:

658. (a) No person shall operate a vessel on any waters for towing a person or persons on water skis or an aquaplane or similar device unless there is in such vessel a person at least 12 years of age, in addition to the operator, in a position to observe the progress of the persons being towed.

This subdivision shall not apply to class A motorboats actually operated by the person or persons being towed and so constructed as to be incapable of carrying the operator in or on the motorboat. The department may establish rules and regulations governing the operation of any such watercraft, which rules and regulations shall provide the greatest degree possible for the safety of persons and vessels.

(b) No person shall operate a vessel on any waters of this state towing a person or persons on water skis, or aquaplane or similar device nor shall any person engage in water skiing,

aquaplaning or other similar activity at any time between the hours from sunset to sunrise; provided, that such hours shall not apply to such waters of this state as to which prohibited hours for such activities are fixed by local ordinances, laws or regulations enacted pursuant to this chapter.

(c) The provisions of subdivisions (a) and (b) of this section do not apply to a performer engaged in a professional exhibition or a person or persons engaged in any one of the following authorized activities on any waters of this state: a regatta, motorboat or other boat race, a marine parade, a tournament or an exhibition.

(d) No person shall operate or manipulate any vessel, towrope or other device by which the direction or location of water skis, an aquaplane or similar device may be affected or controlled in such a way as to cause the water skis, aquaplane or similar device or any person thereon to collide with or strike against any object or person. The provisions of this subdivision do not apply to collisions of two or more persons on water skis, aquaplanes or similar devices being towed by the same boat.

(e) No person shall operate water skis, an aquaplane or similar device in such a manner as to endanger the life, limb or property of any person.

SEC. 13. Section 663.5 of the Harbors and Navigation Code, as amended by Assembly Bill No. 315, is amended to read:

663.5. Within the territorial limits of a county, city, or district, a harbor policeman regularly employed and paid as such by the county, city, or district shall also enforce the provisions of this chapter and any rules or regulations adopted by the department pursuant to this chapter and the provisions of Chapter 2 (commencing with Section 9850) of Division 3.5 of the Vehicle Code.

In the exercise of his duties, a harbor policeman shall have the authority to stop any vessel subject to this chapter and to issue written notices to appear in court pursuant to Section 664. As used in Section 664, the term "officer" shall include a harbor policeman regularly employed and paid as such by a county, city, or district.

Every harbor policeman who is on duty for the purpose of enforcing the provisions of this chapter, and the rules and regulations adopted by the department pursuant to this chapter, shall wear a full distinctive uniform, and, if he uses a vessel, the vessel shall be painted a distinctive color and appropriately marked as specified by the department to identify it as a harbor police vessel.

SEC. 14. Section 664 of the Harbors and Navigation Code, as amended by Assembly Bill No. 315, is amended to read:

664. (a) When any person is arrested for a violation of this chapter or any regulation adopted by the department pursuant to this chapter or any ordinance or local law relating to the operation and equipment of vessels, and such person is not immediately taken before a magistrate, the arresting of-

ficer shall prepare in duplicate a written notice to appear in court, containing the name and address of such person, the offense charged, and the time and place where and when such person shall appear in court.

(b) The time specified in the notice to appear must be at least five (5) days after such arrest.

(c) The place specified in the notice to appear shall be either:

1. Before a judge of a justice court or a municipal court judge within the county in which the offense charged is alleged to have been committed and who has jurisdiction of the offense and who is nearest and most accessible with reference to the place where the arrest is made; or

2. Upon demand of the person arrested, before a judge of a justice court or a municipal court judge having jurisdiction of such offense at the county seat of the county in which such offense is alleged to have been committed; or before a judge in the judicial district in which the offense is alleged to have been committed.

3. Before an officer authorized by the county, city or city and county, to receive a deposit of bail.

4. Before a judge of a justice court or a municipal court judge within 50 miles by the nearest road to the place of the alleged offense who has jurisdiction of the offense and whose judicial district contains any portion of the body of water upon which the offense charged is alleged to have been committed.

(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 shall 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 the Penal 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 the Penal 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.

SEC. 15. Section 5003.6 of the Public Resources Code, as added by Assembly Bill No. 315, is amended to read:

5003.6. The planning, design, and construction of a boating facility within the state park system shall be the responsibility of the Department of Navigation and Ocean Development pursuant to subdivision (c) of Section 50 of the Harbors and Navigation Code.

SEC. 15.5. Section 5008 of the Public Resources Code, as amended by Assembly Bill No. 315, is amended to read:

5008. The department shall protect the state park system from damage and preserve the peace therein.

The director may designate any officer or employee of the department a peace officer for the state park system. The primary duties of any such peace officer shall be the enforcement of the rules and regulations of the department, the provisions of Section 267 and Chapter 5 (commencing with Section 650) of Division 3 of the Harbors and Navigation Code, the rules and regulations of the Department of Navigation and Ocean Development, and the provisions of Chapter 2 (commencing with Section 9850) of Division 3.5 of the Vehicle Code, and to arrest persons for the commission of public offenses within the state park system. The authority and powers of any such peace officer shall be limited to those conferred by law upon peace officers listed in Section 830.3 of the Penal Code.

Any person who violates the rules and regulations established by the department is guilty of a misdemeanor and upon conviction shall be punished by imprisonment in the county jail not exceeding 90 days, or by a fine not exceeding five hundred dollars ($500), or by both such fine and imprisonment.

SEC. 16. Section 84 of the Streets and Highways Code is amended to read:

84. Before the department commences the construction of any state highway or of any bridge, viaduct, conduit, pipe, trestle, or other obstruction in connection therewith across any cove, bay, or inlet of the ocean in this state, the department shall submit the plans of the proposed project insofar as they might affect the use of such cove, bay or inlet as a small boat harbor, to the Department of Navigation and Ocean Development and shall consider any suggestions made with respect to the integration of the proposed highway project with any proposed plan for the development of a small boat harbor.

SEC. 17. Section 9851 of the Vehicle Code, as added by Assembly Bill No. 315, is amended to read:

9851. The department may, after consultation with the department of Navigation and Ocean Development, promulgate rules and regulations for the registration of undocumented vessels belonging to the state, local public agencies, or to the United States without payment of any fee therefor.

SEC. 18. Section 9852 of the Vehicle Code, as added by Assembly Bill No. 315, is amended to read:

9852. The department shall, after consultation with the Department of Navigation and Ocean Development, promulgate rules and regulations setting forth requirements relative to establishing proof of ownership to be submitted by the owner at the time of filing initial application for a certificate of number and a certificate of ownership. The issuance of a certificate of ownership or certificate of number under this chapter shall not in any way be construed that the department or the Department of Navigation and Ocean Development is warranting or guaranteeing the title of the vessel as it appears on such certificates.

SEC. 19. Section 9853 of the Vehicle Code, as added by Assembly Bill No. 315, is amended to read:

9853. The owner of each vessel requiring numbering by this state shall file an initial application for a number with the department or with an agent authorized by the department on forms approved by the department. Such forms shall be prepared in cooperation with the Department of Navigation and Ocean Development. 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 prescribed by rules and regulations of the department in order that it may be clearly visible. Any such rules and regulations shall be developed in cooperation with the Department of Navigation and Ocean Development. 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 department after consultation with the Department of Navigation and

Ocean Development, such consultation to consider the responsibilities and duties of the Department of Navigation and Ocean Development as prescribed in the Harbors and Navigation Code.

SEC. 20. Section 11918 of the Water Code, as amended by Assembly Bill No. 315, is amended to read:

11918. The Department of Parks and Recreation is authorized to design, construct, operate, and maintain public recreation facilities at state water projects, with the exception of the planning, design, and construction of boating facilities, which shall be the responsibility of the Department of of Navigation and Ocean Development pursuant to subdivision (c) of Section 50 of the Harbors and Navigation Code. Before commencing the construction of any such facilities, the Department of Parks and Recreation shall submit its plans and designs to the local governmental agencies having jurisdiction over the area involved. The Department of Parks and Recreation shall make every effort to fulfill its responsibilities under this section by entering into contracts with the United States, local public agencies, or other entities, to the end that maximum development of the recreational potential of state water projects shall be realized. The Department of Parks and Recreation shall have the authority to establish and enforce standards for the development, operation, and maintenance of such public recreation areas.

The design, construction, operation, and maintenance of public recreation facilities at state water projects, and the management of project lands and water surfaces for recreational use, shall be subject to the approval of the Department of Water Resources to ensure that they shall not defeat or impair the orderly operation of any state water project for its other authorized purposes and the accomplishment of such purposes.

SEC. 21. The appointment of members to, and the existence and actions of, the Navigation and Ocean Development Commission from and after the effective date of Reorganization Plan No. 2 of 1969 are hereby confirmed, validated, and declared to be legally effective for all purposes.

SEC. 22. This act shall become effective only if Assembly Bill No. 315 is enacted by the Legislature at its 1970 Regular Session, and in such case, at the same time as Assembly Bill No. 315 takes effect.

CHAPTER 1545

An act to amend Sections 4455, 4600, 4801, and 4811 of, and to add Section 4813 to, the Civil Code, relating to family law.

[Approved by Governor September 20, 1970 Filed with Secretary of State September 20, 1970.]

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

SECTION 1. Section 4455 of the Civil Code is amended to read:

4455. The court may, during the pendency of a proceeding to have a marriage adjudged a nullity or upon judgment, order a party to pay for the support of the other party in the same manner as if the marriage had not been void or voidable, provided that the party for whose benefit the order is made is found to be a putative spouse.

SEC. 2. Section 4600 of the Civil Code is amended to read:

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 should 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 shall 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.

SEC. 3. Section 4801 of the Civil Code is amended to read:

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, although not married to such man, or that the husband is living with another woman, 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.

SEC. 4. Section 4811 of the Civil Code is amended to read:

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 on or after January 1, 1970, 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.

SEC. 5. Section 4813 is added to the Civil Code, to read:

4813. When service of summons is made pursuant to Section 415.50 of the Code of Civil Procedure upon a spouse in a proceeding under the provisions of this part, 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 in a proceeding under this part who is 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 in a proceeding under this part who is personally served with process within this state.

CHAPTER 1546

An act to amend Section 6404 of the Revenue and Taxation Code, relating to sales and use taxes, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 20, 1970. Filed with Secretary of State September 20, 1970.]

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

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

6404. (a) The loan by any retailer of any tangible personal property to any school district for an educational program conducted by the district is exempt from the use tax.

(b) The loan by any retailer of any motor vehicle to the California State Colleges or the University of California for the exclusive use in an approved driver education teacher preparation certification program conducted by the state college or university is exempt from the use tax.

(c) The loan by any retailer of a motor vehicle to be used exclusively for driver training in an accredited private or parochial secondary school in a driver education and training program approved by the State Department of Education as a regularly conducted course of study is exempt from the use tax.

(d) The loan by any retailer of any motor vehicle to a veterans hospital or such other nonprofit facility or institution to provide instruction in the operation of specially equipped motor vehicles to disabled veterans is exempt from the use tax.

(e) If the retailer makes any other use of the property except retention, demonstration or display while holding it for sale in the regular course of business, the use is taxable to the retailer under Chapter 3 (commencing with Section 6201) of this part as of the time the property is first so used, and the sales price of the property to the retailer is the measure of the tax.

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 driver training programs for the 1970 fall semester of the public and private schools are scheduled to convene during the first week of September and in order for the driver training vehicles to be made available, this exemption must be in effect at the time the vehicles are loaned.

SEC. 3. Section 1 of this act shall be operative on and after September 1, 1970.

CHAPTER 1547

An act to amend Sections 253.1 and 253.4 of the Streets and Highways Code, relating to state highways.

[Approved by Governor September 20, 1970. Filed with Secretary of State September 20, 1970.]

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

SECTION 1. Section 253.1 of the Streets and Highways Code is amended to read:

253.1. The California freeway and expressway system shall include:

Routes 5, 6, 7, 8, 10, 13, 14, 15, 17, 18, 21, 22, 24, 28, 29, 30, 31, 32, 34, 37, 40, 44, 47, 48, 50, 52, 53, 54, 55, 56, 57, 59, 60, 61, 63, 65, 67, 68, 70, 71, 73, 74, 78, 80, 81, 83, 85, 87, 88, 89, 90, 92, 93, 97, 100, 102, 106, 107, 108, 109, 118, 121, 122, 124, 125, 126, 133, 134, 136, 139, 140, 141, 143, 145, 148, 149, 150, 152, 154, 156, 157, 161, 163, 164, 170, 171, 179, 181, 183, 184, 199, 205, 208, 210, 217, 221, 223, 230, 232, 234, 235,

237, 238, 239, 242, 244, 247, 249, 251, 252, 256, 257, 258, 259, 280, 380, 405, 505, 580, 605, 680, 805 and 880 in their entirety.

SEC. 2. Section 253.4 of the Streets and Highways Code is amended to read:

253.4. The California freeway and expressway system shall also include:

Route 46 from Route 101 in San Luis Obispo County to Route 99 near Famoso.

Route 49 from:

(a) Route 41 near Oakhurst to Route 140 near Mariposa.

(b) Route 108 south of Jamestown to Route 108 near Sonora.

(c) Route 88 near Jackson to Route 50 near Placerville.

(d) Route 80 near Auburn to Route 20 near Grass Valley.

(e) Route 20 at Nevada City to Route 89 near Sattley.

(f) Route 89 near Sierraville to Route 70 near Vinton.

Route 58 from:

(a) Route 5 to Route 43.

(b) Route 43 to Route 99.

(c) Route 99 near Bakersfield to Route 15 near Barstow.

Route 62 from Route 10 near White Water to Route 247 near Yucca Valley.

Route 64 from Route 101 near Hidden Hills to Route 5.

Route 75 from Route 125 near Brown Field to Route 5 near the south end of San Diego Bay.

Route 76 from Route 5 near Oceanside to Route 15.

Route 77 from Route 580 in Oakland to Route 242 near Concord.

SEC. 3. Section 253.1 of the Streets and Highways Code is amended to read:

253.1. The California freeway and expressway system shall include:

Routes 5, 6, 7, 8, 10, 13, 14, 15, 17, 18, 21, 22, 24, 28, 29, 30, 31, 32, 34, 37, 40, 44, 47, 48, 50, 52, 53, 54, 55, 56, 57, 59, 60, 61, 63, 65, 67, 68, 70, 71, 73, 74, 78, 80, 81, 83, 85, 87, 88, 89, 90, 92, 93, 97, 100, 102, 106, 107, 108, 109, 118, 121, 122, 124, 125, 126, 133, 134, 136, 139, 140, 141, 143, 145, 148, 149, 150, 154, 156, 157, 161, 163, 164, 170, 171, 179, 181, 183, 184, 199, 205, 208, 210, 217, 221, 223, 230, 232, 234, 235, 237, 238, 239, 242, 244, 247, 249, 251, 252, 256, 257, 258, 259, 280, 380, 405, 505, 580, 605, 680, 805, and 880 in their entirety.

SEC. 4. It is the intent of the Legislature, if amendments to Section 253.1 of the Streets and Highways Code proposed by both this bill and Assembly Bill No. 508 are enacted, that both amendments be given effect and incorporated in Section 253.1 in the form set forth in Section 3 of this act. Therefore, in the event Assembly Bill No. 508 is enacted and amends Section 253.1, Section 3 of this act shall become operative at the same time that Section 253.1 as amended by Assembly Bill No. 508 becomes operative, and at that time, Section 253.1 of the Streets and Highways Code as amended by Section 1 of this act is repealed.

CHAPTER 1548

An act to amend Section 13002 of the Health and Safety Code, to amend Sections 374b, 374e, and 853.6 of, and to add Sections 374 and 1463.9 to, the Penal Code, to add Section 5008.7 to the Public Resources Code, and to amend Sections 1803, 23111, 40512 and 40512.5 of, and to add Section 42001.7 to, the Vehicle Code, relating to litter.

[Approved by Governor September 20, 1970 Filed with Secretary of State September 20, 1970.]

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

SECTION 1. Section 13002 of the Health and Safety Code is amended to read:

13002. (a) Every person is guilty of a misdemeanor who throws or discharges any lighted or nonlighted cigarette, cigar, match, or any flaming or glowing substances, or any substance or thing which may cause a fire upon any highway, including any portion of the right-of-way thereof, sidewalk or upon any public or private property. No portion of this subdivision shall be construed to restrict a private owner in the use of his own private property, except that the placing, depositing, or dumping of such waste matter on such property shall not create a public health and safety hazard, a public nuisance, or a fire hazard, as determined by a local health department, local fire department or fire district, or the Division of Forestry in which case the provisions of this section shall apply.

(b) Every person convicted of a violation of this section shall be punished by a mandatory fine of not less than ten dollars ($10) nor more than five hundred dollars ($500) upon a first conviction, by a mandatory fine of not less than twenty-five dollars ($25) nor more than five hundred dollars ($500) upon a second conviction, and by a mandatory fine of not less than fifty dollars ($50) nor more than five hundred dollars ($500) upon a third or subsequent conviction.

The court may, in addition to the fine imposed upon a second or subsequent conviction, require as a condition of probation, in addition to any other condition, that any person convicted of a violation of this section pick up litter at a time and place within the jurisdiction of the court for not less than four hours upon a second conviction and for not less than eight hours upon a third or subsequent conviction.

(c) Every clerk of a court, or judge if there be no clerk, in which a person was convicted for any violation of this section shall prepare within 10 days after conviction and immediately forward to the Department of Motor Vehicles at its office in Sacramento an abstract of the record of the court covering the case in which the person was so convicted which abstract shall be certified by the person so required to prepare it to be true and correct. The abstract shall be made upon a form furnished or provided by the department and shall contain all necessary

information to identify the defendant, the date and nature of the offense, the date of hearing, the judgment, and the punishment imposed. The failure, refusal or neglect of any such judicial officer to comply with the requirements of this subdivision is misconduct in office and is grounds for removal therefrom. All abstracts of records received by the department pursuant to this subdivision shall be filed and maintained by the department, as nearly as may be practical, in accordance with the provisions of Article 3 (commencing with Section 1800) of Chapter 1 of Division 2 of the Vehicle Code.

SEC. 2. Section 374 is added to the Penal Code, to read:

374. (a) Littering means the willful or negligent throwing, dropping, placing, depositing, or sweeping, or causing any such acts, of any waste matter on land or water in other than appropriate storage containers or areas designated for such purposes.

(b) Waste matter means discarded, used, or leftover substance including, but not limited to, a lighted or nonlighted cigarette, cigar, match, or any flaming or glowing material, or any garbage, trash, refuse, paper, container, packaging or construction material, carcass of a dead animal, any nauseous or offensive matter of any kind, or any object likely to injure any person or create a traffic hazard.

SEC. 3. Section 374b of the Penal Code is amended to read:

374b. It shall be unlawful to litter or cause to be littered any such property, or dump or cause to be dumped any waste matter in or upon any public or private highway or road, including any portion of the right-of-way thereof, or in or upon any private property into or upon which the public is admitted by easement or license, or upon any private property without the consent of the owner, or in or upon any public park or other public property other than property designated or set aside for such purpose by the governing board or body having charge thereof. It shall be unlawful to place, deposit, or dump, or cause to be placed, deposited or dumped, any rocks or dirt in or upon any private highway or road, including any portion of the right-of-way thereof, or any private property, without the consent of the owner, or in or upon any public park or other public property, without the consent of the state or local agency having jurisdiction over such highway, road, or property. Any person, firm or corporation violating the provisions of this section shall be guilty of a misdemeanor.

No portion of this section shall be construed to restrict a private owner in the use of his own private property, except that the placing, depositing, or dumping of such waste matter on such property shall not create a public health and safety hazard, a public nuisance, or a fire hazard, as determined by a local health department, local fire department or fire district, or the Division of Forestry in which case the provisions of this section shall apply.

Every person convicted of a violation of this section shall be punished by a mandatory fine or not less than ten dollars ($10)

nor more than five hundred dollars ($500) upon a first conviction, by a mandatory fine of not less than twenty-five dollars ($25) nor more than five hundred dollars ($500) upon a second conviction, and by a mandatory fine of not less than fifty dollars ($50) nor more than five hundred dollars ($500) upon a third or subsequent conviction.

The court may, in addition to the fine imposed upon a second or subsequent conviction, require as a condition of probation, in addition to any other condition of probation, that any person convicted of a violation of this section pick up litter at a time and place within the jurisdiction of the court for not less than four hours upon a second conviction and for not less than eight hours upon a third or subsequent conviction.

Every clerk of a court, or judge if there be no clerk, in which a person was convicted for any violation of this section shall prepare within 10 days after conviction and immediately forward to the Department of Motor Vehicles at its office in Sacramento an abstract of the record of the court covering the case in which the person was so convicted which abstract shall be certified by the person so required to prepare it to be true and correct. The abstract shall be made upon a form furnished or provided by the department and shall contain all necessary information to identify the defendant, the date and nature of the offense, the date of hearing, the judgment, and the punishment imposed. The failure, refusal or neglect of any such judicial officer to comply with the requirements of this subdivision is misconduct in office and is grounds for removal therefrom. All abstracts of records received by the department pursuant to this section shall be filed and maintained by the department, as nearly as may be practical, in accordance with the provisions of Article 3 (commencing with Section 1800) of Chapter 1 of Division 2 of the Vehicle Code.

SEC. 3.5. Section 374e of the Penal Code is amended to read:

374e. Every person who litters or causes to be littered, or dumps, or causes to be dumped, any waste matter into any bay, lagoon, channel, river, creek, slough, canal, lake or reservoir, or other stream or body of water, or upon a bank, beach or shore within 150 feet of the high water mark of any such water, is guilty of a misdemeanor.

Every person convicted of a violation of this section shall be punished by a mandatory fine of not less than ten dollars ($10) nor more than five hundred dollars ($500) upon a first conviction, by a mandatory fine of not less than twenty-five dollars ($25) nor more than five hundred dollars ($500) upon a second conviction, and by a mandatory fine of not less than fifty dollars ($50) nor more than five hundred dollars ($500) upon a third or subsequent conviction.

The court may, in addition to the fine imposed upon a second or subsequent conviction, require as a condition of probation, in addition to any other condition of probation, that any person convicted of a violation of this section, pick up litter at a

time and place within the jurisdiction of the court for not less than four hours upon a second conviction and for not less than eight hours upon a third or subsequent conviction.

Every clerk of a court, or judge if there be no clerk, in which a person was convicted for any violation of this section shall prepare within 10 days after conviction and immediately forward to the Department of Motor Vehicles at its office in Sacramento an abstract of the record of the court covering the case in which the person was so convicted which abstract shall be certified by the person so required to prepare it to be true and correct. The abstract shall be made upon a form furnished or provided by the department and shall contain all necessary information to identify the defendant, the date and nature of the offense, the date of hearing, the judgment, and the punishment imposed. The failure, refusal or neglect of any such judicial officer to comply with the requirements of this section is misconduct in office and is grounds for removal therefrom. All abstracts of records received by the department pursuant to this section shall be filed and maintained by the department, as nearly as may be practical, in accordance with the provisions of Article 3 (commencing with Section 1800) of Chapter 1 of Division 2 of the Vehicle Code.

SEC. 4. 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, unless the defendant has been charged with violation of Section 374b or 374e of this code or of Section 13002 of the Health and Safety Code, or a violation punishable under Section 5008.7 of the Public Resources Code, and he has previously been convicted of a violation of such section or punishable under such section, except in cases where the magistrate finds that undue hardship will be imposed upon the defendant by requiring him to appear, the magistrate may declare the bail forfeited and 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. 5. Section 1463.9 is added to the Penal Code, to read:

1463.9. Notwithstanding the provisions of Section 1463, 50 percent of all fines and forfeitures collected upon conviction, or upon forfeiture of bail, for violations of Section 13002 of the Health and Safety Code, Sections 23111 and 23112, and subdivision (a) of Section 23113 of the Vehicle Code, and Section 374b of this code shall be kept separate and apart from any other fines and forfeitures. Such fines and forfeitures shall, as soon as practicable after the receipt thereof, be deposited with the county treasurer of the county in which the court is situated and shall be distributed as prescribed in Section 1463, except that the money distributed to any county or city shall be expended only for litter cleanup activities within that city or county.

SEC. 6. Section 1463.9 is added to the Penal Code, to read:

1463.9. Notwithstanding the provisions of Section 1463, 50 percent of all fines and forfeitures collected upon conviction, or upon forfeiture of bail, for violations of Sections 13002 and 24500 of the Health and Safety Code, Sections 23111 and 23112, and subdivision (a) of Section 23113 of the Vehicle Code, and Section 374b shall be kept separate and apart from any other fines and forfeitures. Such fines and forfeitures shall, as soon as practicable after the receipt thereof, be deposited with the county treasurer of the county in which the court is situated and shall be distributed as prescribed in Section 1463, except that the money distributed to any county or city shall be expended only for litter cleanup activities within that city or county.

SEC. 6.5. Section 5008.7 is added to the Public Resources Code, to read:

5008.7. Every person convicted of a violation of any rule or regulation adopted by the department pursuant to this division prohibiting the leaving, depositing, dropping or scattering of bottles, broken glass, ashes, wastepaper, cans, or other rubbish in any unit of the state park system shall be punished by a mandatory fine of not less than ten dollars ($10) nor more than five hundred dollars ($500) upon a first conviction, by a mandatory fine of not less than twenty-five dollars ($25) nor more than five hundred dollars ($500) upon a second conviction, and by a mandatory fine of not less than fifty dollars ($50) nor more than five hundred dollars ($500) upon a third or subsequent conviction.

The court may, in addition to the fine imposed upon a second or subsequent conviction, require as a condition of probation, in addition to any other condition of probation, that any

person convicted of a violation of this section pick up litter at a time and place within the jurisdiction of the court for not less than four hours upon a second conviction and for not less than eight hours upon a third or subsequent conviction.

(c) Every clerk of a court, or judge if there be no clerk, in which a person was convicted for any violation of this section shall prepare within 10 days after conviction and immediately forward to the Department of Motor Vehicles at its office in Sacramento an abstract of the record of the court covering the case in which the person was so convicted which abstract shall be certified by the person so required to prepare it to be true and correct. The abstract shall be made upon a form furnished or provided by the department and shall contain all necessary information to identify the defendant, the date and nature of the offense, the date of hearing, the judgment, and the punishment imposed. The failure, refusal or neglect of any such judicial officer to comply with the requirements of this section is misconduct in office and is grounds for removal therefrom. All abstracts of records received by the department pursuant to this section shall be filed and maintained by the department, as nearly as may be practical, in accordance with the provisions of Article 3 (commencing with Section 1800) of Chapter 1 of Division 2 of the Vehicle Code.

SEC. 7. 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, and of any offense relating to littering under Section 13002 of the Health and Safety Code or Section 374b or 374e of the Penal Code or punishable under Section 5008.7 of the Public Resources Code 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.

SEC. 8. Section 23111 of the Vehicle Code is amended to read:

23111. No person in any vehicle and no pedestrian shall throw or discharge from or upon any road or highway or adjoining area, public or private, any lighted or nonlighted cigarette, cigar, match, or any flaming or glowing substance. This section shall be known as the Paul Buzzo Act.

SEC. 9. Section 40512 of the Vehicle Code is amended to read:

40512. If at the time when the case is called for arraignment before the magistrate the defendant does 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 be had in the case, unless the defendant has been charged with violation of Section 23111 or 23112, or subdivision (a) of Section 23113, and he has been previously convicted of the same, except in cases where the magistrate finds that undue hardship will be imposed upon the defendant by requiring him to appear, the magistrate may declare the bail forfeited and order that no further proceedings shall be had in such case.

Upon the making of the order that no further proceedings be had, all sums deposited as bail shall forthwith be paid into the city or county treasury, as the case may be.

SEC. 10. Section 40512.5 of the Vehicle Code is amended to read:

40512.5. If at the time when the case is called for trial the defendant does not appear either in person or by counsel and has not requested in writing that the trial proceed in his absence, the court may declare the bail forfeited and may in its discretion order that no further proceedings be had in the case, or the court may act pursuant to Section 1043 of the Penal Code. However, if the defendant has been charged with violation of Section 23111 or 23112, or subdivision (a) of Section 23113, and he has been previously convicted of a violation of the same section, the court may declare the bail forfeited, but shall issue a bench warrant for the arrest of the person charged, except in cases where the magistrate finds that undue hardship will be imposed upon the defendant by requiring him to appear, the magistrate may declare the bail forfeited and order that no further proceedings shall be had in such case.

SEC. 11. Section 42001.7 is added to the Vehicle Code, to read:

42001.7. Every person convicted of a violation of Section 23111 or 23112, or subdivision (a) of Section 23113, shall be punished by a mandatory fine of not less than ten dollars ($10) nor more than five hundred dollars ($500) upon a first conviction, by a mandatory fine of not less than twenty-five dollars ($25) nor more than five hundred dollars ($500) upon a second conviction, and by a mandatory fine of not less than fifty dollars ($50) nor more than five hundred dollars ($500) upon a third or subsequent conviction.

The court may, in addition to the fine imposed upon a second or subsequent conviction, require as a condition of probation, in addition to any other condition of probation, that any person convicted of a violation of this section pick up litter at a time and place within the jurisdiction of the court for not less than four hours upon a second conviction and for not less than eight hours upon a third or subsequent conviction.

SEC. 12. This act may be cited as the McCarthy-Walsh Act.

SEC. 13. It is the intent of the Legislature, if Section 1463.9 of the Penal Code proposed by both this bill and Senate Bill No. 1195 are enacted, that both be given effect and incorporated in Section 1463.9 in the form set forth in Section 6 of this act. Therefore, in the event Senate Bill No. 1195 is enacted and adds Section 1463.9, Section 6 of this act shall become operative at the same time that Section 1463.9 as added by Senate Bill No. 1195 becomes operative, and at that time, Section 1463.9 of the Penal Code as added by Section 5 of this act is repealed.

CHAPTER 1549

An act to amend Sections 2091, 2092, 3302, 25450.3, 25476.5, 25477, 25477.5, and 25482 of, to add Article 10 (commencing with Section 1900) to Chapter 1 of Division 5 of, and to repeal Sections 1644, 1821, 1822, 1822.1, 1822.2, 1822.3, 1824, 1825, 2036, 3257, 3341, 3345, 3348, 25466, 25466.5, 25467, 25467.5, 25473.5, and 25487 of, the Education Code, relating to school districts.

[Approved by Governor September 20, 1970 Filed with Secretary of State September 20, 1970]

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

SECTION 1. Section 1644 of the Education Code is repealed.

SEC. 2. Section 1821 of the Education Code is repealed.

SEC. 3. Section 1822 of the Education Code is repealed.

SEC. 4. Section 1822.1 of the Education Code is repealed.

SEC. 5. Section 1822.2 of the Education Code is repealed.

SEC. 6. Section 1822.3 of the Education Code is repealed.

SEC. 7. Section 1824 of the Education Code is repealed.

SEC. 8. Section 1825 of the Education Code is repealed.

SEC. 9. Article 10 (commencing with Section 1900) is added to Chapter 1 of Division 5 of the Education Code, to read:

Article 10. Bonded Indebtedness of School Districts

1900. When a school district is created, annexed, or abolished, or the boundaries thereof changed, the liability to taxation for the outstanding bonded indebtedness of the district or the territory affected thereby is as provided in this article. The authorities whose duty it is to levy taxes for the payment of principal and interest on the outstanding bonds, shall levy the taxes upon the districts affected in such proportions as are provided in or are determined under the authority of this article.

1901. No territory shall be taken from any school district having any outstanding bonded indebtedness and made a part of another district where the action, if taken, would so reduce the last equalized assessed valuation of the district from which the territory was taken that the outstanding bonded indebtedness of the district would exceed 5 percent of the assessed valuation remaining in the district for each level maintained, on the date the reorganization is effective pursuant to Section 1647.

1902. When any school district is formed from any combination of whole districts or portions of districts, the district so formed is liable for the outstanding bonded indebtedness of the districts or portions of districts included in the new district. When a portion of a district is included in a new district, the amount of the outstanding bonded indebtedness to be transferred to the new district shall be in the ratio which the total assessed valuation of the portion of the district bears to the total assessed valuation of the whole district during the year immediately preceding the date of formation for all purposes.

1903. When any school district is in any manner merged with one or more school districts so as to form a single district by any procedure, the district so formed is liable for all of the outstanding bonded indebtedness of the districts united or merged.

1904. When territory is taken from one school district and annexed to another school district and the area transferred contains no public school property or buildings, the territory shall drop any liability for outstanding bonded indebtedness in the district of which it was formerly a part and shall automatically assume its proportionate share of the outstanding bonded indebtedness of the district of which it becomes a part.

1905. When territory is taken from one district and annexed to or included in another district or a new district by any procedure and the area transferred contains public school

buildings or property, the district to which the territory is annexed shall take possession of the building and equipment on the day when the annexation becomes effective for all purposes. The territory transferred shall cease to be liable for the bonded indebtedness of the district of which it was formerly a part and shall automatically assume its proportionate share of the outstanding bonded indebtedness of any district of which it becomes a part.

The acquiring district shall pay the original district the greater of the amounts determined under provisions of subdivision (a), (b), or (c).

(a) The proportionate share of the outstanding bonded indebtedness of the original district, which proportionate share shall be in the ratio which the total assessed valuation of the transferring territory bears to the total assessed valuation of the original district in the year immediately preceding the date on which the annexation is effective for all purposes. This ratio shall be used each year until the bonded indebtedness for which the acquiring district is liable has been repaid.

(b) That portion of the outstanding bonded indebtedness of the original district which was incurred for acquisition or improvement of school lots or buildings or fixtures located therein and situated in the territory transferred.

(c) In preparing a plan for the formation of a new district, the county committee may prescribe a different method of dividing bonded indebtedness for the purpose of providing greater equity in the division. The committee may give consideration to assessed valuation, numbers of pupils, property values, and other matters which the committee deems pertinent.

The county board of supervisors shall compute for the reorganized district an annual tax rate for bond interest and redemption which will include the bond interest and redemption on the outstanding bonded indebtedness specified in subdivision (a), (b), or (c).

1906. Whenever an existing school district having authorized but unsold bonds is completely divided between two or more districts so that the existing district ceases to exist, pursuant to any provision of Division 5 (commencing with Section 1601), the board of supervisors shall, prior to the date the action is effective for the purposes of Section 1704, make and enter an order in the minutes of its proceedings that the unsold bonds be canceled. After the date on which the reorganization is effective for all purposes, the bonds and the vote by which they were authorized to be issued shall cease to be of any validity.

1907. Any unsold bonds of an elementary, high school, unified, or junior college district which is included as a whole in a new school district and authorized at an election held either prior or subsequent to the date upon which the action to form the new district pursuant to Section 1704 was completed, may be issued by the board of supervisors in the name

of the new district and the proceeds derived upon the sale thereof shall be the funds of the new district and shall be used only for the purpose or purposes for which such bonds were voted.

1908. When the territory of a school district is obligated for bonded indebtedness which has not been assumed by the district, an election may be held in the district to determine whether it shall assume the outstanding bonded indebtedness of any included districts or portions of districts. The election may be called upon the adoption of a resolution by the governing board of the district and shall be called upon petition of 10 percent of the qualified electors residing in the district. Such election shall be conducted in the same manner as elections for authorizing the sale of bonds. The ballot proposition at the election shall contain the words: "For assumption of liability for outstanding bonded indebtedness of _____ District(s)—Yes" and "For assumption of liability for outstanding bonded indebtedness of _____ District(s)—No." Such proposition shall carry if adopted by a percentage of voters prescribed by Section 18 of Article XI of the California Constitution.

SEC. 10. Section 2036 of the Education Code is repealed.

SEC. 11. Section 2091 of the Education Code is amended to read:

2091. Any district may be annexed to a contiguous district of the same kind so that the annexed district ceases to exist and its territory is merged with and becomes a part of the annexing district.

SEC. 12. Section 2092 of the Education Code is amended to read:

2092. An elementary or high school district may be annexed to a contiguous unified district so that the annexed district ceases to exist and the territory is merged with and becomes a part of the annexing district.

SEC. 13. Section 3257 of the Education Code is repealed.

SEC. 14. Section 3302 of the Education Code is amended to read:

3302. The words to appear upon the ballots used for voting upon the adoption or rejection of the plans and recommendations of the county committee with respect to the unification of school districts shall be "Unification of school districts—Yes," and "Unification of school districts—No," or words of similar import. If the county committee made a proposal for trustee areas in accordance with Section 3254 such proposal shall be considered a part of the reorganization proposition to be voted upon and the ballot shall include wording to that effect.

The words to appear on the ballots used for voting upon maximum tax rate or the issuance of bonds to equalize a division of property shall be in accordance with Section 3256.

SEC. 14.5. Section 3341 of the Education Code is repealed.

SEC. 15. Section 3345 of the Education Code is repealed.

SEC. 16. Section 3348 of the Education Code is repealed.

SEC. 17. Section 25450.3 of the Education Code is amended to read:

25450.3. The governing board of the petitioning district shall, in accordance with the petition, by an order entered on its minutes, transfer to the new junior college any property of the petitioning district used for junior college purposes the transfer of which was provided for in the petition. The order shall be effective on the date upon which the new junior college district becomes effective for all purposes.

SEC. 18. Section 25466 of the Education Code is repealed.

SEC. 19. Section 25466.5 of the Education Code is repealed.

SEC. 20. Section 25467 of the Education Code is repealed.

SEC. 21. Section 25467.5 of the Education Code is repealed.

SEC. 22. Section 25473.5 of the Education Code is repealed.

SEC. 23. Section 25476.5 of the Education Code is amended to read:

25476.5. The petition shall be accompanied by a verified copy of a resolution adopted by the governing board of the junior college district named in the petition consenting to the annexation thereto of the high school district. Upon receipt of the petition and the resolution of consent, the board of supervisors shall call an election to be held in each elementary school district in the high school district named in the petition for the purpose of determining whether the high school district shall be annexed to the junior college district.

SEC. 24. Section 25477 of the Education Code is amended to read:

25477. The election shall be called, held, and conducted in the same manner as are the elections of governing boards of elementary school districts, except that the words to appear upon the ballot shall be:

"For annexation to _____ (insert name) Junior College District—Yes" and "For annexation to _____ (insert name) Junior College District—No."

SEC. 25. Section 25477.5 of the Education Code is amended to read:

25477.5. If it appears that a majority of all votes cast at the election were cast in favor of the annexation, the board of supervisors shall make an order annexing the high school district to the junior college district. Upon the making of the order the annexation shall be deemed to have been made effective pursuant to the provisions of Sections 1701 and 1703.

SEC. 26. Section 25482 of the Education Code is amended to read:

25482. Whenever a junior college district is annexed to another junior college district pursuant to this article, all funds, property, and obligations of the petitioning district shall become the funds, property, and obligations of the admitting district.

SEC. 27. Section 25487 of the Education Code is repealed.

CHAPTER 1550

An act to add Title 1.5 (commencing with Section 1750) to Part 4 of Division 3 of the Civil Code, relating to the Consumers Legal Remedies Act.

[Approved by Governor September 20, 1970. Filed with Secretary of State September 20, 1970.]

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

SECTION 1. Title 1.5 (commencing with Section 1750) is added to Part 4 of Division 3 of the Civil Code, to read:

TITLE 1.5. CONSUMERS LEGAL REMEDIES ACT

CHAPTER 1. GENERAL PROVISIONS

1750. This title may be cited as the Consumers Legal Remedies Act.

1751. Any waiver by a consumer of the provisions of this title is contrary to public policy and shall be unenforceable and void.

1752. The provisions of this title are not exclusive. The remedies provided for herein shall be in addition to any other procedures or remedies provided for in any other law.

Nothing in this title shall limit any other statutory or any common law rights of the Attorney General or any other person to bring class actions. Class actions by consumers brought under the specific provisions of Chapter 3 (commencing with Section 1770) of this title shall be governed exclusively by the provisions of Chapter 4 (commencing with Section 1780).

1753. If any provision of this title or the application thereof to any person or circumstance is held to be unconstitutional, the remainder of the title and the application of such provision to other persons or circumstances shall not be affected thereby.

1754. The provisions of this title shall not apply to any transaction which provides for the construction, sale, or construction and sale of an entire residence or all or part of a structure designed for commercial or industrial occupancy, with or without a parcel of real property or an interest therein, or for the sale of a lot or parcel of real property, including any site preparation incidental to such sale.

1755. Nothing in this title shall apply to the owners or employees of any advertising medium, including, but not limited to, newspapers, magazines, broadcast stations, billboards and transit ads, by whom any advertisement in violation of this title is published or disseminated, unless it is established that such owners or employees had knowledge of the deceptive methods, acts or practices declared to be unlawful by Section 1770.

1756. The substantive and procedural provisions of this title shall only apply to actions filed on or after January 1, 1971.

CHAPTER 2. CONSTRUCTION AND DEFINITIONS

1760. This title shall be liberally construed and applied to promote its underlying purposes, which are to protect consumers against unfair and deceptive business practices and to provide efficient and economical procedures to secure such protection.

1761. As used in this title:

(a) "Goods" means tangible chattels bought for use primarily for personal, family, or household purposes, including certificates or coupons exchangeable for such goods, and including goods which, at the time of the sale or subsequently, are to be so affixed to real property as to become a part of such real property, whether or not severable therefrom.

(b) "Services" means work, labor, and services for other than a commercial or business use, including services furnished in connection with the sale or repair of goods.

(c) "Person" means an individual, partnership, corporation, association, or other group, however organized.

(d) "Consumer" means an individual who seeks or acquires, by purchase or lease, any goods or services for personal, family, or household purposes.

(e) "Transaction" means an agreement between a consumer and any other person, whether or not the agreement is a contract enforceable by action, and includes the making of, and the performance pursuant to, that agreement.

CHAPTER 3. DECEPTIVE PRACTICES

1770. The following unfair methods of competition and unfair or deceptive acts or practices undertaken by any person in a transaction intended to result or which results in the sale or lease of goods or services to any consumer are unlawful:

(a) Passing off goods or services as those of another.

(b) Misrepresenting the source, sponsorship, approval, or certification of goods or services.

(c) Misrepresenting the affiliation, connection, or association with, or certification by, another.

(d) Using deceptive representations or designations of geographic origin in connection with goods or services.

(e) Representing that goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits, or quantities which they do not have or that a person has a sponsorship, approval, status, affiliation, or connection which he does not have.

(f) Representing that goods are original or new if they have deteriorated unreasonably or are altered, reconditioned, reclaimed, used, or secondhand.

(g) Representing that goods or services are of a particular standard, quality, or grade, or that goods are of a particular style or model, if they are of another.

(h) Disparaging the goods, services, or business of another by false or misleading representation of fact.

(i) Advertising goods or services with intent not to sell them as advertised.

(j) Advertising goods or services with intent not to supply reasonably expectable demand, unless the advertisement discloses a limitation of quantity.

(k) Making false or misleading statements of fact concerning reasons for, existence of, or amounts of price reductions.

(*l*) Representing that a transaction confers or involves rights, remedies, or obligations which it does not have or involve, or which are prohibited by law.

(m) Representing that a part, replacement, or repair service is needed when it is not.

(n) Representing that the subject of a transaction has been supplied in accordance with a previous representation when it has not.

(o) Representing that the consumer will receive a rebate, discount, or other economic benefit, if the earning of the benefit is contingent on an event to occur subsequent to the consummation of the transaction.

(p) Misrepresenting the authority of a salesman, representative, or agent to negotiate the final terms of a transaction with a consumer.

CHAPTER 4. REMEDIES AND PROCEDURES

1780. (a) Any consumer who suffers any damage as a result of the use or employment by any person of a method, act, or practice declared to be unlawful by Section 1770 may bring an action against such person to recover or obtain any of the following:

(1) Actual damages, but in no case shall the total award of damages in a class action be less than three hundred dollars ($300).

(2) An order enjoining such methods, acts, or practices.

(3) Punitive damages.

(4) Any other relief which the court deems proper.

(b) Such action may be commenced in the county in which the person against whom it is brought resides, has his principal place of business, or is doing business, or in the county where the transaction or any substantial portion thereof occurred.

If within any such county there is a municipal or justice court, having jurisdiction of the subject matter, established in the city and county or judicial district in which the person against whom the action is brought resides, has his principal place of business, or is doing business, or in which the transaction or any substantial portion thereof occurred, then such court is the proper court for the trial of such action. Other-

wise, any municipal or justice court in such county having jurisdiction of the subject matter is the proper court for the trial thereof.

In any action subject to the provisions of this section, concurrently with the filing of the complaint, the plaintiff shall file an affidavit stating facts showing that the action has been commenced in a county or judicial district described in this section as a proper place for the trial of the action. If a plaintiff fails to file the affidavit required by this section, the court shall, upon its own motion or upon motion of any party, dismiss any such action without prejudice.

1781. (a) Any consumer entitled to bring an action under Section 1780 may, if the unlawful method, act, or practice has caused damage to other consumers similarly situated, bring an action on behalf of himself and such other consumers to recover damages or obtain other relief as provided for in Section 1780.

(b) The court shall permit the suit to be maintained on behalf of all members of the represented class if all of the following conditions exist:

(1) It is impracticable to bring all members of the class before the court.

(2) The questions of law or fact common to the class are substantially similar and predominate over the questions affecting the individual members.

(3) The claims or defenses of the representative plaintiffs are typical of the claims or defenses of the class.

(4) The representative plaintiffs will fairly and adequately protect the interests of the class.

(c) If notice of the time and place of the hearing is served upon the other parties at least 10 days prior thereto, the court shall hold a hearing, upon motion of any party to the action which is supported by affidavit of any person or persons having knowledge of the facts, to determine if any of the following apply to the action:

(1) A class action pursuant to subdivision (b) is proper.

(2) Published notice pursuant to subdivision (d) is necessary to adjudicate the claims of the class.

(3) The action is without merit or there is no defense to the action.

A motion based upon Section 437c of the Code of Civil Procedure shall not be granted in any action commenced as a class action pursuant to subdivision (a).

(d) If the action is permitted as a class action, the court may direct either party to notify each member of the class of the action. The party required to serve notice may, with the consent of the court, if personal notification is unreasonably expensive or it appears that all members of the class cannot be notified personally, give notice as prescribed herein by publication in accordance with Section 6064 of the Government Code in a newspaper of general circulation in the county in which the transaction occurred.

(e) The notice required by subdivision (d) shall include the following:

(1) The court will exclude the member notified from the class if he so requests by a specified date.

(2) The judgment, whether favorable or not, will include all members who do not request exclusion.

(3) Any member who does not request exclusion, may, if he desires, enter an appearance through counsel.

(f) A class action shall not be dismissed, settled, or compromised without the approval of the court, and notice of the proposed dismissal, settlement, or compromise shall be given in such manner as the court directs to each member who was given notice pursuant to subdivision (d) and did not request exclusion.

(g) The judgment in a class action shall describe those to whom the notice was directed and who have not requested exclusion and those the court finds to be members of the class. The best possible notice of the judgment shall be given in such manner as the court directs to each member who was personally served with notice pursuant to subdivision (d) and did not request exclusion.

1782. (a) Thirty days or more prior to the commencement of an action for damages pursuant to the provisions of this title, the consumer shall do the following:

(1) Notify the person alleged to have employed or committed methods, acts or practices declared unlawful by Section 1770 of the particular alleged violations of Section 1770.

(2) Demand that such person correct, repair, replace or otherwise rectify the goods or services alleged to be in violation of Section 1770.

Such notice shall be in writing and shall be sent by certified or registered mail, return receipt requested, to the place where the transaction occurred, such person's principal place of business within California, or, if neither will effect actual notice, the office of the Secretary of State of California.

(b) Except as provided in subdivision (c), no action for damages may be maintained under the provisions of Section 1780 if an appropriate correction, repair, replacement or other remedy is given, or agreed to be given within a reasonable time, to the consumer within 30 days after receipt of such notice.

(c) No action for damages may be maintained under the provisions of Section 1781 upon a showing by a person alleged to have employed or committed methods, acts or practices declared unlawful by Section 1770 that all of the following exist:

(1) All consumers similarly situated have been identified, or a reasonable effort to identify such other consumers has been made.

(2) All consumers so identified have been notified that upon their request such person shall make the appropriate correction, repair, replacement or other remedy of the goods and services.

(3) The correction, repair, replacement or other remedy requested by such consumers has been, or, in a reasonable time, shall be, given.

(4) Such person has ceased from engaging, or if immediate cessation is impossible or unreasonably expensive under the circumstances, such person will, within a reasonable time, cease to engage, in such methods, act, or practices.

(d) An action for injunctive relief brought under the specific provisions of Section 1770 may be commenced without compliance with the provisions of subdivision (a). Not less than 30 days after the commencement of an action for injunctive relief, and after compliance with the provisions of subdivision (a), the consumer may amend his complaint without leave of court to include a request for damages. The appropriate provisions of subdivision (b) or (c) shall be applicable if the complaint for injunctive relief is amended to request damages.

(e) Attempts to comply with the provisions of this section by a person receiving a demand shall be construed to be an offer to compromise and shall be inadmissible as evidence pursuant to Section 1152 of the Evidence Code; furthermore, such attempts to comply with a demand shall not be considered an admission of engaging in an act or practice declared unlawful by Section 1770. Evidence of compliance or attempts to comply with the provisions of this section may be introduced by a defendant for the purpose of establishing good faith or to show compliance with the provisions of this section.

1783. Any action brought under the specific provisions of Section 1770 shall be commenced not more than three years from the date of the commission of such method, act, or practice.

1784. No award of damages may be given in any action based on a method, act, or practice declared to be unlawful by Section 1770 if the person alleged to have employed or committed such method, act, or practice (a) proves that such violation was not intentional and resulted from a bona fide error notwithstanding the use of reasonable procedures adopted to avoid any such error and (b) makes an appropriate correction, repair or replacement or other remedy of the goods and services according to the provisions of subdivisions (b) and (c) of Section 1782.

SEC. 2. Nothing in this act shall be construed to prevent the court from awarding attorney's fees pursuant to specific provisions of existing law.

CHAPTER 1551

An act to add Chapter 3 (commencing with Section 13992) to Part 4.5 of Division 3 of Title 2 of the Government Code, relating to transportation and making an appropriation therefor.

[Approved by Governor September 20, 1970. Filed with Secretary of State September 20, 1970.]

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

SECTION 1. Chapter 3 (commencing with Section 13992) is added to Part 4.5 of Division 3 of Title 2 of the Government Code, to read:

CHAPTER 3. STATE OFFICE OF TRANSPORTATION PLANNING AND RESEARCH

13992. It is declared to be the policy of the state and the intent of the Legislature to provide an office in the Business and Transportation Agency which shall develop and recommend to the State Transportation Board and the Secretary of Business and Transportation statewide transportation policies, systems, purposes and standards, and programs for research in transportation and for improvement of transportation services, including recommended financing consistent with such policies and services. It is further declared to be the policy of the state and the intent of the Legislature that the office should provide information and research to any appropriate committee of the Legislature whose activities relate to the transportation field, upon request, in order to aid the Legislature in considering or enacting proposed statutes relating to balanced transportation of any segment thereof.

13993. There is in the Business and Transportation Agency an Office of Transportation Planning and Research. The office shall be in charge of a chief appointed by the Governor, and who shall hold office at his pleasure. The chief of the office shall also serve as Executive Secretary to the State Transportation Board.

13994. The duties of the office may include, but not be limited to, the following:

(a) Act as the principal staff agency to the State Transportation Board in fulfilling its functions and duties as prescribed in Section 13990.6;

(b) Act as the principal staff agency to the secretary in matters concerning the growth and development of transportation in the state and, in this capacity, undertake special studies and investigations, submit reports, recommend legislation, regulations and administrative policies, and render advice to the State Transportation Board and the secretary when requested;

(c) Review and report to the State Transportation Board and the secretary on the long-range effectiveness of major transportation programs of local, regional, state, and federal governments in meeting transportation demands not supplied by the private sector and in protecting and enhancing community socioeconomic values throughout the state;

(d) Coordinate planning for existing and future modes of transportation in the interest of economy, safety, and welfare of the people of the state;

(e) Coordinate research, demonstrations, and development programs in the field of transportation, including inland

boating, to encourage maximum use of existing knowledge and to foster development of new knowledge in all applicable subjects required to improve the economy, safety, and benefits of the statewide transportation system;

(f) Provide information to and cooperate with the Legislature or any of its committees or offices in connection with studies and matters relevant to the development of transportation in the state, including responding to legislative resolutions relating to, among other things, overall balanced transportation or any segment thereof.

SEC. 2. It is the intent of the Legislature that financial support of the Office of Transportation Planning and Research be provided from public funds supporting various modes of transportation in the approximate ratio of public financial assistance to each mode to the total public funds supporting all modes. There is appropriated to the Office of Transportation Planning and Research for this purpose the sum of one hundred seventy thousand dollars ($170,000) to be paid as follows for the 1970–71 fiscal year:

(a) From the Highway Users Tax Fund	$142,000
(b) From the Aeronautics Fund	3,000
(c) From the Harbors and Watercraft Revolving Fund	1,000
(d) From the General Fund	24,000

Amounts for subsequent years shall be as determined in the annual Budget Act.

CHAPTER 1552

An act to amend Sections 24224, 24260, 24265.5, 24276, 24291, 24292, 24296, 24302, 24354.2, 24355.2, 24361.4, 24362.1, 24365, 24365.1, 24365.5, 24365.11, 39007, 39008, 39051, 39057, 39058, 39382, 39402, 39460, 39470, 39471, 39475, and 39481 of, to add Sections 24303, 24365.12, 39006.5, 39052.8, 39441, 39442, and 39482 to, and to add Chapter 3.5 (commencing with Section 39077) to Part 1 of Division 26 of, the Health and Safety Code, relating to air pollution control.

[Approved by Governor September 20, 1970. Filed with Secretary of State September 20, 1970.]

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

SECTION 1. Section 24224 of the Health and Safety Code is amended to read:

24224. The air pollution control officer shall observe and enforce, within his air pollution control district:

(a) The provisions of this chapter and Chapter 3.5 (commencing with Section 39077) of Part 1 of Division 26, and all provisions of the Vehicle Code relating to the emission or control of air contaminants.

(b) All orders, regulations, and rules prescribed by the air pollution control board of the air pollution control district pursuant to this chapter.

(c) All variances and standards which the hearing board has prescribed pursuant to Article 5 (commencing with Section 24291) of this chapter.

SEC. 4. Section 24260 of the Health and Safety Code is amended to read:

24260. The air pollution control board of an air pollution control district may make and enforce all needful orders, rules, and regulations necessary or proper to accomplish the purposes of this chapter and Chapter 3.5 (commencing with Section 39077) of Part 1 of Division 26 for the administration of such district, and may perform all other acts necessary or proper to accomplish the purposes of these chapters.

SEC. 5. Section 24265.5 of the Health and Safety Code is amended to read:

24265.5. The air pollution control board of any district which is activated after the effective date of this section may, by regulation, establish reasonable exemptions from the provisions of this chapter and Chapter 3.5 (commencing with Section 39077) of Part 1 of Division 26, or permit the continued use within the district for reasonable periods, of orchard heaters that produce unconsumed solid carbonaceous material at a rate in excess of one gram per minute and which are then owned by persons engaged in agricultural operations within the district if the board determines that the provisions of the chapter would otherwise preclude the use of such orchard heaters in the district and would cause serious economic hardship to the owners of the heaters or the practical elimination of agricultural operations now being carried on within the district.

This section shall remain in effect until the 61st day after the final adjournment of the 1972 Regular Session of the Legislature, and shall have no force or effect after that date.

SEC. 6. Section 24276 of the Health and Safety Code is amended to read:

24276. After a public hearing, the hearing board may:

(a) Continue the suspension of a permit suspended by the air pollution control officer, or

(b) Remove the suspension of an existing permit invoked by the air pollution control officer pending the furnishing by the permittee of the information, analyses, plans, and specifications required, or

(c) Find that no violation exists and reinstate an existing permit, or

(d) Revoke an existing permit, if it finds:

(1) The permittee has failed to correct any conditions required by the air pollution control officer, or

(2) A refusal of a permit would be justified, or

(3) Fraud or deceit was employed in the obtaining of the permit, or

(4) Any violation of this chapter, Chapter 3.5 (commencing with Section 39077) of Part 1 of Division 26, or of any rule or regulation of the air pollution control board.

SEC. 7. Section 24291 of the Health and Safety Code is amended to read:

24291. The provisions of this chapter do not prohibit the discharge of air contaminants to a greater extent or for a longer time, or both, than permitted by Article 3 (commencing with Section 24241) of this chapter, Chapter 3.5 (commencing with Section 39077) of Part 1 of Division 26, or by rules, regulations, or orders of the air pollution control board, if not of a greater extent or longer time than the hearing board or a court after a hearing before the hearing board finds necessary pursuant to the provisions of this article.

SEC. 8. Section 24292 of the Health and Safety Code is amended to read:

24292. The hearing board on its own motion or at the request of any person may hold a hearing to determine under what conditions and to what extent a variance from the requirements established by Article 3 (commencing with Section 24241) of this chapter, Chapter 3.5 (commencing with Section 39077) of Part 1 of Division 26, or by rules, regulations, or orders of the air pollution control board is necessary and will be permitted.

SEC. 9. Section 24296 of the Health and Safety Code is amended to read:

24296. If the hearing board finds that because of conditions beyond control compliance with Article 3 (commencing with Section 24241) of this chapter, Chapter 3.5 (commencing with Section 39077) of Part 1 of Division 26, or with any rule, regulation, or order of the air pollution control board will result in an arbitrary and unreasonable taking of property or in the practical closing and elimination of any lawful business, occupation or activity, in either case without a sufficient corresponding benefit or advantage to the people in the reduction of air contamination, it shall prescribe other and different requirements not more onerous applicable to plants and equipment operated either by named classes of industries or persons, or to the operation of separate persons; provided, however, that no variance may permit or authorize the maintenance of a nuisance.

SEC. 10. Section 24302 of the Health and Safety Code is amended to read:

24302. If any local county or city ordinance has provided regulations similar to those in Article 3 (commencing with Section 24241) of this chapter, Chapter 3.5 (commencing with Section 39077) of Part 1 of Division 26, or to any order, regulation, or rule prescribed by the air pollution control board, and has provided for the granting of variances, and pursuant to such local ordinance a variance has been granted prior to

the adoption of a resolution by the board of supervisors pursuant to Article 1 (commencing with Section 24198) of this chapter, such variance shall be continued as a variance of the hearing board for the time specified therein or one year whichever is shorter or until and unless prior to the expiration of such time the hearing board modifies or revokes such variance as provided in this article.

SEC. 11. Section 24303 is added to the Health and Safety Code, to read:

24303. The air pollution control board shall submit an annual report by September 30 to the State Air Resources Board on the variances granted by the hearing board during the period from July 1 to June 30 where the durations of the variances, including any extensions granted, are for more than one year. The report shall include the names of the parties to whom the variances were granted, the reasons for and the durations of the variances, and whether the variances have been, or were previously, extended.

SEC. 12. Section 24354.2 of the Health and Safety Code is amended to read:

24354.2. The district shall do such acts as may be necessary to carry out the provisions of this chapter and Chapter 3.5 (commencing with Section 39077) of Part 1 of Division 26.

SEC. 13. Section 24355.2 of the Health and Safety Code is amended to read:

24355.2. The control officer shall observe and enforce:

(a) The provisions of this chapter and Chapter 3.5 (commencing with Section 39077) of Part 1 of Division 26.

(b) All orders, regulations, and rules prescribed by the board.

(c) All variances and standards which the hearing board has prescribed.

SEC. 16. Section 24361.4 of the Health and Safety Code is amended to read:

24361.4. Nothing in this article limits in any way the power of the board to make needful orders, rules, and regulations pursuant to other provisions of this chapter or Chapter 3.5 (commencing with Section 39077) of Part 1 of Division 26. Nothing in this article permits any action contrary to any such order, rule, or regulation.

SEC. 17. Section 24362.1 of the Health and Safety Code is amended to read:

24362.1. At any time after the resolution of necessity has been adopted, the board may make and enforce all needful orders, rules, and regulations necessary or proper to accomplish the purposes of this chapter and Chapter 3.5 (commencing with Section 39077) of Part 1 of Division 26.

SEC. 18. Section 24365 of the Health and Safety Code is amended to read:

24365. The provisions of this chapter do not prohibit the discharge of air contaminants to a greater extent or for a longer time, or both, than permitted by Article 10 (commenc-

ing with Section 24360) of this Chapter, Chapter 3.5 (commencing with Section 39077) of Part 1 of Division 26, or by rules, regulations, or orders of the board, if not of a greater extent or longer time than the hearing board or a court after a hearing before the hearing board finds necessary pursuant to the provisions of this article.

SEC. 19. Section 24365.1 of the Health and Safety Code is amended to read:

24365.1. The hearing board on its own motion or at the request of any person may hold a hearing to determine under what conditions and to what extent a variance from the requirements established by Article 10 (commencing with Section 24360) of this chapter, Chapter 3.5 (commencing with Section 39077) of Part 1 of Division 26, or by rules, regulations, or orders of the board is necessary and will be permitted.

SEC. 20. Section 24365.5 of the Health and Safety Code is amended to read:

24365.5. If the hearing board finds that because of conditions beyond control compliance with Article 10 (commencing with Section 24360) of this chapter, Chapter 3.5 (commencing with Section 39077) of Part 1 of Division 26, or with any rule, regulation, or order of the air pollution control board will result in an arbitrary and unreasonable taking of property or in the practical closing and elimination of any lawful business, occupation or activity, in either case without a sufficient corresponding benefit or advantage to the people in the reduction of air contamination, it shall prescribe other and different requirements not more onerous applicable to plants and equipment operated either by named classes of industries or persons, or to the operation of separate persons; provided, however, that no variance may permit or authorize the maintenance of a nuisance.

SEC. 21. Section 24365.11 of the Health and Safety Code is amended to read:

24365.11. If any local county or city ordinance has provided regulations similar to those in Article 10 (commencing with Section 24360) of this chapter, Chapter 3.5 (commencing with Section 39077) of Part 1 of Division 26, or to any order, regulation, or rule prescribed by the board, and has provided for the granting of variances, and pursuant to such local ordinance a variance has been granted prior to notification of the district, such variance shall be continued as a variance of the hearing board for the time specified therein or one year, whichever is shorter, or until and unless prior to the expiration of such time the hearing board modifies or revokes such variance as provided in this article.

SEC. 22. Section 24365.12 is added to the Health and Safety Code, to read:

24365.12. The board shall submit an annual report by September 30 to the State Air Resources Board on the variances granted by the hearing board during the period from July 1

to June 30 where the durations of the variances, including any extensions granted, are for more than one year. The report shall include the names of the parties to whom the variances were granted, the reasons for and the durations of the variances, and whether the variances have been, or were previously, extended.

SEC. 23. Section 39006.5 is added to the Health and Safety Code, to read:

39006.5. "Person" also means any state or local governmental agency or public district, or any officer or employee thereof; provided, however, that no state or local governmental agency, or public district, or any officer or employee thereof, shall be criminally liable or responsible under the provisions of Chapter 3.5 (commencing with Section 39077) of this part for any acts done by such governmental agency, or public district, in the performance of its functions or by such officers or employees in the performance of their duties.

SEC. 23.5. Section 39007 of the Health and Safety Code is amended to read:

39007. "Vehicular sources" means those sources of air pollution emitted from motor vehicles as defined in Section 415 of the Vehicle Code.

SEC. 24. Section 39008 of the Health and Safety Code is amended to read:

39008. "Nonvehicular sources" means all sources of air pollution except motor vehicle sources.

SEC. 25. Section 39051 of the Health and Safety Code is amended to read:

39051. The board shall after holding public hearings:

(a) Divide the state into basins to fulfill the purposes of this division not later than January 1, 1969.

(b) Adopt standards of ambient air quality for each basin in consideration of the public health, safety and welfare, including but not limited to health, illness, irritation to the senses, aesthetic value, interference with visibility, and effects on the economy. These standards may vary from one basin to another. Standards relating to health effects shall be based upon the recommendations of the State Department of Public Health.

(c) Adopt rules and regulations in accordance with the provisions of the Administrative Procedure Act (commencing with Section 11370 of the Government Code) necessary for the proper execution of the powers and duties granted to, and imposed upon, the board by this division.

(d) Adopt emission standards for all nonvehicular air pollution sources for application for each basin as found necessary as provided in Section 39054.

(e) Adopt test procedures to measure compliance with its nonvehicular emission standards and those of local and regional authorities. The board may revise any test procedures which it has adopted when the development and improvement of testing techniques and testing instruments warrant such

revision in the judgment of the board. If the board revises such test procedures, it may establish revised nonvehicular emission standards, which standards shall be applicable when such revised test procedures are used in testing nonvehicular sources. The revised standards may be expressed in terms and numerical values other than the terms and numerical values prescribed by, but shall not be less stringent than the standards prescribed by, Chapter 3.5 (commencing with Section 39077) of this part.

SEC. 25.3. Section 39052.8 is added to the Health and Safety Code, to read:

39052.8. The board shall study methods, including their economic and technological feasibilities, of identifying, measuring, and controlling nonvehicular emissions. In making its study, the board shall consider the feasibility and desirability of adopting a statewide opacity standard of No. 1 on the Ringelmann Chart, as published by the United States Bureau of Mines, for all nonvehicular sources, effective on January 1, 1974. The board shall submit a report on its findings to the Legislature not later than December 31, 1972. Should the board recommend the adoption of any specific standards or methods, the report shall contain a proposal for the implementation of its recommendations, including the estimated cost thereof.

SEC. 25.5. Section 39057 of the Health and Safety Code is amended to read:

39057. Notwithstanding the provisions of this division, any local or regional authority may establish additional, stricter standards than those set forth by law or by the state board for all nonvehicular sources.

SEC. 26. Section 39058 of the Health and Safety Code is amended to read:

39058. The standards, rules, and regulations adopted by a local or regional authority shall be filed with the state board.

SEC. 27. Chapter 3.5 (commencing with Section 39077) is added to Part 1 of Division 26 of the Health and Safety Code, to read:

CHAPTER 3.5. NONVEHICULAR POLLUTION CONTROL

39077. No person shall discharge from any nonvehicular source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public or which endanger the comfort, repose, health or safety of any such persons or the public or which cause or have a natural tendency to cause injury or damage to business or property.

39077.1. No person shall discharge into the atmosphere from any single nonvehicular source of emission whatsoever any air contaminant for a period or periods aggregating more than three minutes in any one hour which is:

(a) As dark or darker in shade as that designated as No. 2 on the Ringelmann Chart, as published by the United States Bureau of Mines, or

(b) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subdivision (a).

39077.2. No person shall, on and after January 1, 1971, operate any aircraft in such a manner that will result in the discharge into the atmosphere of any air contaminant for a period of over 10 seconds in any one hour which is:

(a) As dark or darker in shade as that designated as No. 2 on the Ringelmann Chart, as published by the United States Bureau of Mines; or,

(b) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subdivision (a).

As used in this section, "aircraft" means any contrivance used or designed for navigation of, or flight in, the air.

39077.3. Notwithstanding the provisions of Article 5 (commencing with Section 24291) of Chapter 2 of Division 20, Article 12 (commencing with Section 24365) of Chapter 2.5 of Division 20, or Article 8 (commencing with Section 39470) of Chapter 3 of Part 2 of this division, no person shall set, grant permission to set, or cause to be set, fires which would be in violation of any applicable order, rule, or regulation adopted pursuant to Sections 24262, 24362.3, or 39463.

39077.4. The provisions of Sections 39077 and 39077.1 shall not apply to smoke from fires:

(a) Set by or permitted by any public officer if such fire is set or permission given in the performance of the official duty of such officer, and such fire in the opinion of such officer is necessary:

(1) For the purpose of the prevention of a fire hazard which cannot be abated by any other means, or

(2) For the instruction of public employees in the methods of fighting fire, or

(3) For the improvement of watershed, range, or pasture, or

(4) For the growing of crops, or raising of fowls or animals.

(b) Set pursuant to permit on property used for industrial purposes for the purpose of instruction of employees in methods of fighting fire.

(c) Set pursuant to an open burning permit issued by any air pollution control officer of any local or regional authority.

39077.5. The provisions of Sections 39077, 39077.1, and 39077.2 shall not apply to:

(a) Agricultural operations and associated odors necessary for the growing of crops or raising of fowls or animals.

(b) Use of any aircraft to distribute seed, fertilizer, insecticides, or other agricultural aids over lands devoted to the growing of crops or raising of fowls or animals.

39077.6. Each local and regional authority shall enforce the provisions of this chapter.

39077.7. Any violation of any provision of this chapter or of any order, rule, or regulation of the board or of any order, rule, or regulation of any local or regional authority may be enjoined in a civil action brought in the name of the people of the State of California, except that the plaintiff shall not be required to allege facts necessary to show or tending to show lack of adequate remedy at law or to show or tending to show irreparable damage or loss.

SEC. 28. Section 39382 of the Health and Safety Code is amended to read:

39382. The regional district shall do such acts as may be necessary to carry out the provisions of this chapter and Chapter 3.5 (commencing with Section 39077) of Part 1.

SEC. 29. Section 39402 of the Health and Safety Code is amended to read:

39402. The control officer shall observe and enforce:

(a) The provisions of this chapter and Chapter 3.5 (commencing with Section 39077) of Part 1.

(b) All orders, regulations, and rules prescribed by the regional board.

(c) All variances and standards which the regional hearing board has prescribed.

SEC. 30. Section 39441 is added to the Health and Safety Code, to read:

39441. A person shall not discharge into the atmosphere from any single nonvehicular source of emission whatsoever any air contaminant for a period or periods aggregating more than three minutes in any one hour which is:

(a) As dark or darker in shade as that designated as No. 2 on the Ringelmann Chart, as published by the United States Bureau of Mines, or

(b) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subdivision (a).

SEC. 31. Section 39442 is added to the Health and Safety Code, to read:

39442. The provisions of Section 39441 do not apply to:

(a) Agricultural operations in the growing of crops, or raising of fowls or animals, or,

(b) The use of an orchard or citrus grove heater which does not produce unconsumed solid carbonaceous matter at a rate in excess of one gram per minute, or,

(c) The use of other equipment in agricultural operations in the growing of crops or raising of fowls or animals, including the use of any aircraft to distribute seed, fertilizer, insecticides, or other agricultural aids over lands devoted to the growing of crops or raising of fowls or animals.

SEC. 32. Section 39460 of the Health and Safety Code is amended to read:

39460. The regional board shall adopt and may, from time to time, amend rules and regulations, including, but not limited to, rules and regulations establishing standards to implement this chapter and Chapter 3.5 (commencing with Section 39077) of Part 1. Such rules and regulations shall be based on surveys and studies made by the regional district and such other information as may be available to the regional district. The rules and regulations shall be adopted only after the regional board has considered the matter at a public hearing at which all interested persons are afforded the opportunity to appear and urge or oppose adoption of the resolution. The regional board shall give notice of its intention to adopt or amend rules and regulations and give notice of the hearing by publication pursuant to Section 6061 of the Government Code in each of the counties within the regional district not less than 10 days prior to the hearing. The notice shall contain the time and place of the hearing and such other information as may be necessary to reasonably apprise the people within the regional district of the nature and purpose of the meeting. The hearing may be adjourned from time to time in order to permit presentation of all pertinent testimony.

SEC. 33. Section 39470 of the Health and Safety Code is amended to read:

39470. The provisions of this chapter do not prohibit the discharge of air contaminants to a greater extent or for a longer time, or both, than permitted by Article 6 (commencing with Section 39430) of this chapter, Chapter 3.5 (commencing with Section 39077) of Part 1, or by rules, regulations, or orders of the regional board, if not of a greater extent or longer time than the hearing board or a court after a hearing before the hearing board finds necessary pursuant to the provisions of this article.

SEC. 34. Section 39471 of the Health and Safety Code is amended to read:

39471. The hearing board on its own motion or at the request of any person may hold a hearing to determine under what conditions and to what extent a variance from the requirements established by Article 6 (commencing with Section 39430) of this chapter, Chapter 3.5 (commencing with Section 39077) of Part 1, or by rules, regulations, or orders of the regional board is necessary and will be permitted.

SEC. 35. Section 39475 of the Health and Safety Code is amended to read:

39475. If the hearing board finds that because of conditions beyond control compliance with Article 6 (commencing with Section 39430) of this chapter, Chapter 3.5 (commencing with Section 39077) of Part 1, or with any rule, regulation, or order of the regional board will result in an arbitrary and unreasonable taking of property or in the practical closing and elimination of any lawful business, occupation or activity,

in either case without a sufficient corresponding benefit or advantage to the people in the reduction of air contamination, it shall prescribe other and different requirements not more onerous applicable to plants and equipment operated either by named classes of industries or persons, or to the operation of separate persons; provided, however, that no variance may permit or authorize the maintenance of a nuisance.

SEC. 36. Section 39481 of the Health and Safety Code is amended to read:

39481. If any local county or city ordinance has provided regulations similar to those in Article 6 (commencing with Section 39430) of this chapter, Chapter 3.5 (commencing with Section 39077) of Part 1, or to any order, regulation, or rule prescribed by the regional board, and has provided for the granting of variances, and pursuant to such local ordinance a variance has been granted prior to notification of the regional district, such variance shall be continued as a variance of the hearing board for the time specified therein or one year, whichever is shorter, or until and unless prior to the expiration of such time the hearing board modifies or revokes such variance as provided in this article.

SEC. 37. Section 39482 is added to the Health and Safety Code, to read:

39482. The regional board shall submit an annual report by September 30 to the State Air Resources Board on the variances granted by the hearing board during the period from July 1 to June 30 where the durations of the variances, including any extensions granted, are for more than one year. The report shall include the name of the parties to whom the variances were granted, the reasons for and the durations of the variances, and whether the variances have been, or were previously, extended.

SEC. 38. Section 39057 of the Health and Safety Code is amended to read:

39057. Notwithstanding the provisions of this division, any local or regional authority may establish additional, stricter standards than those set forth by law or by the state board for all nonvehicular sources, but no local or regional authority may completely ban all agricultural burning, as defined in Section 39295.6.

SEC. 39. It is the intent of the Legislature, if amendments to Section 39057 of the Health and Safety Code proposed by both this bill and Assembly Bill No. 16 are enacted, that both amendments be given effect and incorporated in Section 39057 in the form set forth in Section 38 of this act. Therefore, in the event Assembly Bill No. 16 is enacted and amends Section 39057, Section 38 of this act shall become operative on the effective date of this act and Section 25.5 of this act shall not take effect.

CHAPTER 1553

An act to amend Sections 65013.2 and 65302 of, and to add Section 34207.5 to, the Government Code, and to add Section 37041 to the Health and Safety Code, relating to housing.

[Approved by Governor September 20, 1970. Filed with Secretary of State September 20, 1970.]

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

SECTION 1. Section 34207.5 is added to the Government Code, to read:

34207.5. The Council on Intergovernmental Relations shall cooperate with the Commission of Housing and Community Development, acting through the Department of Housing and Community Development in the adoption of guidelines for the preparation of housing elements required by Section 65302.

SEC. 2. Section 65013.2 of the Government Code is amended to read:

65013.2. The State Office of Planning through the Director of Finance shall:

(a) Prepare, maintain, regularly review and revise a comprehensive, long-range, general plan for the physical growth and development of the state, in cooperation with, and utilizing the physical development plans as prepared by, state, local, regional and federal agencies, which plan shall be known as the State Development Plan.

(b) Assist the Budget Division of the Department of Finance in the preparation of the capital improvement section of the annual budget and a long-term capital improvement program.

(c) Act as a research agency responsible for the coordination of basic studies and investigation of the resources of the state and of existing and emerging developmental problems, and for the undertaking of such studies when necessary.

(d) Act as a central repository for state, federal, regional and local research studies, plans and project proposals relating to the existing and future physical growth and development of the state and to the conservation, use and development of its resources.

(e) Accept and allocate or expend grants and gifts from any source, public or private, for the purposes of state participation in state, regional and local planning.

(f) Act as the principal staff agency to the Governor and the Director of Finance in matters concerning the physical growth and development of the state and its resources and, in this capacity, undertake special studies and investigations, submit reports and render advice to the Governor and Director of Finance whenever requested.

(g) Provide information to, and cooperate with the Legislature, or any of its committees or officers in connection with studies and matters relevant to the physical growth and development of the state and its resources.

(h) Cooperate with the Commission of Housing and Community Development, acting through the Department of Housing and Community Development in the adoption of guidelines for the preparation of housing elements required by Section 65302.

SEC. 3. Section 65302 of the Government Code is amended to read:

65302. The general plan shall consist of a statement of development policies and shall include a diagram or diagrams and text setting forth objectives, principles, standards, and plan proposals. The plan shall include the following elements:

(a) A land use element which designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, agriculture, natural resources, recreation, education, public buildings and grounds, and other categories of public and private uses of land. The land use element shall include a statement of the standards of population density and building intensity recommended for the various districts and other territory covered by the plan. The land use element shall also identify areas covered by the plan which are subject to flooding and shall be reviewed annually with respect to such areas.

(b) A circulation element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other local public utilities and facilities, all correlated with the land use element of the plan.

SEC. 4. Section 37041 is added to the Health and Safety Code, to read:

37041. The Commission of Housing and Community Development shall, in cooperation with the Council on Intergovernmental Relations and the State Office of Planning, before July 1, 1971, develop guidelines for the preparation of housing elements required by Section 65302 of the Government Code. Such criteria shall conform as nearly as possible to those promulgated by the federal Department of Housing and Urban Development.

CHAPTER 1554

An act to amend Section 4047.5 of the Business and Professions Code, and to amend Sections 26252 and 26255 of the Health and Safety Code, relating to prescriptions.

[Approved by Governor September 20, 1970 Filed with Secretary of State September 20, 1970]

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

SECTION 1. Section 4047.5 of the Business and Professions Code is amended to read:

4047.5. A pharmacist shall not dispense any prescription except in a container correctly labeled with the following:

(a) Except where the prescriber orders otherwise, the trade name of the drug, or if there is no trade name, the generic name and the name of the manufacturer. Commonly used abbreviations may be used. Preparations containing two or more active ingredients may be identified by a brand or commonly used name or the principal active ingredients.

(b) The directions for the use of the drug.

(c) The name of the patient.

(d) The name of the prescriber.

(e) The date of issue.

(f) The name and address and prescription number of the furnisher.

(g) The strength of the drug or drugs prescribed.

(h) The quantity of the drug or drugs prescribed.

SEC. 2. Section 26252 of the Health and Safety Code is amended to read:

26252. A drug or device sold on a prescription of a member of the medical, dental, podiatry, or veterinary profession (except a drug sold in the course of the conduct of a business selling drugs pursuant to diagnosis by mail) shall be exempt from the requirements of this article if: (1) such member of the medical, dental, podiatry, or veterinary profession is licensed by law to administer such drug or device, and (2) such drug or device bears a label containing the following information:

(a) Except where the prescriber orders otherwise, the trade name of the drug, or if there is no trade name, the generic name and the name of the manufacturer. Commonly used abbreviations may be used. Preparations containing two or more active ingredients may be identified by a brand or commonly used name or the principal active ingredients.

(b) The directions for the use of the drug.

(c) The name of the patient.

(d) The name of the prescriber.

(e) The date of issue.

(f) The name and address and prescription number of the furnisher.

(g) The strength of the drug or drugs prescribed.

(h) The quantity of the drug or drugs prescribed.

SEC. 3. Section 26255 of the Health and Safety Code is amended to read:

26255. (1) A drug intended for use by man which:

(a) Is a habit-forming drug to which Section 26254 applies; or

(b) Because of its toxicity or other potentiality for harmful effect, or the method of its use, or the collateral measures necessary to its use, is not safe for use except under the supervision of a practitioner licensed by law to administer such drug; or

(c) Is limited by an effective application under Section 26288 to use under the professional supervision of a practitioner licensed by law to administer such drug, shall be dispensed only (i) upon a written prescription of a practitioner

licensed by law to administer such drug, or (ii) upon an oral prescription of such practitioner which is reduced promptly to writing and filed by the pharmacist, or (iii) by refilling any such written or oral prescription if such refilling is authorized by the prescriber either in the original prescription or by oral order which is reduced promptly to writing and filed by the pharmacist. The act of dispensing a drug contrary to the provisions of this paragraph shall be deemed to be an act which results in the drug being misbranded while held for sale.

(2) Any drug dispensed by filling or refilling a written or oral prescription of a practitioner licensed by law to administer such drug shall be exempt from the requirements of Sections 26241, 26242, 26243, 26244, 26245, 26246, 26247, 26250, and 26254, and the provisions of Section 26249 deeming a drug misbranded if its container is so formed, made, or filled as to be misleading, except the packaging requirements of Sections 26245, 26246, and 26247, if the drug bears a label containing the following information:

(a) Except where the prescriber orders otherwise, the trade name of the drug, or if there is no trade name, the generic name and the name of the manufacturer. Commonly used abbreviations may be used. Preparations containing two or more active ingredients may be identified by a brand or commonly used name or the principal active ingredients.

(b) The directions for the use of the drug.

(c) The name of the patient.

(d) The name of the prescriber.

(e) The date of issue.

(f) The name and address and prescription number of the furnisher.

(g) The strength of the drug or drugs prescribed.

(h) The quantity of the drug or drugs prescribed.

This exemption shall not apply to any drug dispensed in the course of the conduct of a business of dispensing drugs pursuant to diagnosis by mail, or to a drug dispensed in violation of subdivision (1) of this section.

(3) The board may by regulation remove drugs subject to Section 26254 and Section 26288 from the requirements of subdivision (1) of this section when such requirements are not necessary for the protection of the public health.

(4) A drug which is subject to subdivision (1) of this section shall be deemed to be misbranded if at any time prior to dispensing its label fails to bear the statement "Caution: Federal law prohibits dispensing without prescription," or "Caution: Not to be dispensed without a prescription." The cautionary statements shall be printed as prescribed in Chapter 10 (commencing with Section 25900), Division 20 of this code. A drug to which subdivision (1) of this section does not apply shall be deemed to be misbranded if at any time prior to dispensing its label bears the caution statement provided for in this subdivision.

(5) Nothing in this section shall be construed to relieve any person from any requirement described by or under authority of law with respect to drugs now included or which may hereafter be included within the classifications stated in Division 10 (commencing with Section 11000) of this code.

CHAPTER 1555

An act to add Chapter 4.5 (commencing with Section 6370) to Part 1 of Division 6 of the Public Resources Code, relating to state lands, and making an appropriation therefor.

[Approved by Governor September 20, 1970 Filed with Secretary of State September 20, 1970]

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

SECTION 1. Chapter 4.5 (commencing with Section 6370) is added to Part 1 of Division 6 of the Public Resources Code, to read:

CHAPTER 4.5. DEVELOPMENT OF STATE LANDS

6370. The commission, acting jointly with the Resources Agency and in cooperation with other appropriate state, federal, and local agencies, shall inventory unconveyed state school and tide and submerged lands and identify such lands which possess unique environmental values, including scenic, historic, natural, or aesthetic values of statewide interest. The commission, upon identification of such lands, shall adopt regulations necessary to assure permanent protection to these lands. The commission shall submit a report to the Legislature by January 1, 1973, which identifies those lands determined by the commission to possess unique environmental values and setting forth the criteria upon which such determinations were made, including the findings and regulations adopted by the commission. The report using the findings and regulations adopted by the commission as a basis shall recommend any additional actions necessary to assure permanent protection of these areas. In its investigation, the commission shall consider the California Protected Waterways Plan required pursuant to the provisions of Chapter 1278 of the Statutes of 1968, and any and all other reports and plans relating to the protection of scenic, historic, natural, or aesthetic values.

6371. Until submission of the report required in Section 6370 the State Lands Commission shall not sell any of the lands under their jurisdiction unless they have made a finding at a public meeting that such sale is necessary for the health, welfare or safety of the people of the state or a finding that such land would not meet the intent of environmentally unique lands indicated in Section 6370; provided, however, that this section and Sections 6372, 6373, 6374, and

6375 shall not be applicable to settlements of title and boundary problems by the commission and exchanges in connection therewith. The commission, except for recreational pier permits, shall not lease any of the lands under its jurisdiction unless it shall have made a finding at a public meeting that such lease will not have a significant detrimental environmental effect and shall have made an environmental impact report which shall be available to the Legislature and to the public. Such report shall set forth the environmental impact of the lease, any unavoidable adverse environmental effects, mitigation measures proposed to minimize the impact, alternatives to the lease, the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and any irreversible environmental changes which would be involved in the leasing of the lands.

6372. It is the intent of the Legislature that no further grants of state lands shall be made until the report required to be submitted by the commission pursuant to Section 6370 has been received by the Legislature.

6373. Before any disposition of state lands to a private party or other governmental agency, the intended recipient of such lands shall submit to the commission and to the Legislature a general plan, as specified by the commission, for the use of the subject lands to be transferred, together with the review and comments of other interested state agencies.

6374. Any governmental agency of the state which has heretofore been granted state lands in trust shall submit to the commission and to the Legislature a report on the use and development of such lands up to the present time and shall prepare and submit to the commission by January 1, 1973, a general plan, as specified by the commission and approved by the Council on Intergovernmental Relations, for the future use of such lands. Nothing contained in any such report or general development plan shall affect any rights or obligation arising from existing leases or contracts or any amendment thereof. The commission shall report to the Legislature any deviations, if any, in the plan from the original terms of the grant.

6375. The commission shall inventory all lands heretofore granted by the state to any governmental agency of the state in trust and identify such lands having unique environmental values of statewide interest. The commission shall submit a report to the Legislature by January 1, 1973, proposing methods, as approved by the Council on Intergovernmental Relations, for the protection of any such lands identified as having unique environmental values of statewide interest.

6376. It is the intent of the Legislature that any inventory prepared pursuant to this chapter shall be solely for informational purposes and not to establish rights of ownership. Any boundaries mapped or described by the commission in

any such inventory shall not be binding upon any upland owner or other party affected thereby.

6377. The provisions of this chapter shall not apply to tidelands transferred pursuant to Chapter 1333 of the Statutes of 1968, to tidelands and submerged lands heretofore granted to the City of Long Beach or to oil revenues and dry gas revenues whose disposition is governed by Chapter 138 of the Statutes of 1964, First Extraordinary Session, or to any sovereign or other state lands transferred to the City of Oakland in trust by the state for port purposes.

SEC. 2. The sum of fifty thousand dollars ($50,000) is hereby appropriated from the California Environmental Protection Program Fund to the State Lands Commission for the fiscal year 1970–1971 for the purposes of Chapter 4.5 (commencing with Section 6370) of Part 1 of Division 6 of the Public Resources Code.

SEC. 3. Section 2 of this act shall become operative only if either Senate Bill No. 262 or Assembly Bill No. 522 is enacted by the Legislature at its 1970 Regular Session.

CHAPTER 1556

An act to add Division 14 (commencing with Section 22000) to Public Resources Code, relating to conservation and development, and making an appropriation therefor.

[Approved by Governor September 20, 1970. Filed with Secretary of State September 20, 1970.]

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

SECTION 1. Division 14 (commencing with Section 22000) is added to the Public Resources Code, to read:

DIVISION 14. THE VENTURA-LOS ANGELES MOUNTAIN AND COASTAL STUDY COMMISSION

CHAPTER 1. FINDINGS AND DECLARATIONS OF POLICY

22000. The Legislature hereby finds and declares that the Ventura-Los Angeles Mountain and Coastal Zone, defined in Section 22012, as the last large undeveloped area contiguous to the shoreline within the greater Los Angeles Metropolitan Region, comprised of Los Angeles and Ventura Counties, represents a unique and irreplaceable natural resource to the people of the state, that uses of the zone include recreation, conservation, open space, and utilization and enjoyment of the sea and the mountains, that the zone functions as an integral component of the physical and biological systems of the entire region, and to a significant, although not as yet precisely determined degree, impacts upon these essential life-support systems, that there are pressures of population growth and

economic development in the zone, and that if conservation and development practices are permitted to continue in their present unplanned, uncoordinated, and haphazard manner, irreversible deterioration of the zone as a precious natural resource for the people of the entire state may ensue.

22001. The Legislature further finds and declares that current conservation and development practices may conflict with the public interest of present and future generations due to:

(a) An insufficient understanding of the long-range implications of land use practices as they affect the zone and the region.

(b) The uncoordinated and fragmented nature of public and private planning of development and conservation activities within the zone.

(c) The lack of a comprehensive plan and program to provide for conservation and development of the zone in the best public interest.

(d) The fact that no governmental mechanism exists for studying and evaluating individual projects as to their effect on the entire zone and region.

22002. The Legislature further finds and declares that in order to protect and advance the interests of the present and future generations in the zone and region, there is need to create a Ventura-Los Angeles Mountain and Coastal Study Commission to study the entire zone as well as the relationship of the zone to the region, to ascertain what is needed for balanced conservation and development, to determine a set of policies and priorities based on such studies, and to propose further legislative action to provide for implementation of these policies.

CHAPTER 2. DEFINITIONS

22010. Unless context otherwise requires, the definitions set forth in this chapter govern the construction of this division.

22011. "Commission" means the Ventura-Los Angeles Mountain and Coastal Study Commission.

22012. "Zone" means: (1) the Ventura-Los Angeles Mountain and Coastal Zone which includes the land and water area of the Greater Los Angeles Metropolitan Region, comprised of Los Angeles and Ventura Counties, seaward to the outermost limit of the state's jurisdiction, landward to the Ventura Freeway (Route 101) between Calleguas Creek on the west, and an eastward boundary following Sunset Boulevard from its intersection with the Pacific Coast Highway (Route 1) on the south, northward and eastward to the city line of Beverly Hills, thence following the northerly boundary of the City of Beverly Hills until it returns to Sunset Boulevard, thence eastward on Sunset Boulevard to its intersection with Harper Avenue, thence following a direct line from this point to the southernmost point of Griffith Park, thence following the Griffith Park boundary eastward, then northward, then westward to its point

of intersection with the Ventura Freeway; and (2) the area commonly known as the Elysian Park.

22013. "Region" means the Greater Los Angeles Metropolitan Region, comprised of Los Angeles and Ventura Counties.

22014. "Irreversible modification" means any modification that affects the physical shape, function, or environment of any estuary, watershed, flood plain, or park and recreation area.

CHAPTER 3. ORGANIZATION AND MEMBERSHIP

22020. There is in the state government a Ventura-Los Angeles Mountain and Coastal Study Commission, consisting of 15 members:

(a) The Secretary of the Resources Agency or his deputy.

(b) The Planning Officer of the State Office of Planning or his deputy.

(c) One member of the State Lands Commission, selected by the State Lands Commission.

(d) One member of the Board of Supervisors of Ventura County, selected by such board of supervisors.

(e) One member of the Board of Supervisors of Los Angeles County, selected by such board of supervisors.

(f) One member of the Los Angeles City Council, selected by such city council.

(g) One member representing the Southern California Association of Governments selected by the executive committee of such association.

(h) Eight members of the public, appointed by the Governor, with the advice and consent of the Senate, who shall be residents of the region and who shall have special knowledge or experience in the fields of conservation, parks and recreation, real estate and development, planning, public health, air pollution, water quality, and economics. There shall be balanced representation between conservation and user interests.

22021. The members of the commission shall serve at the pleasure of their respective appointing powers. The members shall serve without compensation, but each of the members shall be reimbursed for his actual and necessary expenses incurred in the performance of his duties.

22022. (a) The commission shall meet twice a month, and may meet in subcommittee with authority to conduct hearings within special areas of interest. The public shall be given reasonable prior notice of the time and place of commission meetings, and all such meetings shall be open to the public.

(b) All meetings of the commission shall be held at a place reasonably convenient to its members and the public in a meeting room that affords adequate space for its members, its staff, the news media, and the public that may reasonably be expected to attend the meeting.

22023. The time and place of the first meeting of the commission shall be prescribed by the Secretary of the Resources

Agency, but in no event shall it be scheduled for a date later than February 1, 1971.

22024. The commission shall select from among its members a chairman and a vice chairman.

22025. All vacancies in the commission membership shall be filled in the same manner in which original appointments were made.

22026. The commission shall appoint a director who shall have charge of coordinating and administering the affairs of the commission, subject to the direction and policies of the commission. The director shall, subject to approval of the commission, appoint such employees as may be necessary in order to carry out the functions of the commission.

CHAPTER 4. POWERS AND DUTIES

22050. The commission may:

(a) For purposes of this division, accept any gifts, donations, or bequests from individuals or organizations, or accept grants of funds from private or public agencies.

(b) Appoint committees from its membership.

(c) Contract for or employ any professional services required by the commission or for the performance of services which in its opinion cannot satisfactorily be performed by its officers and employees or provided by other federal, state, or local governmental agencies.

(d) Do any and all other things necessary to carry out the purposes of this division.

22051. Within nine months of the first meeting of the commission, the commission shall make a detailed study of all factors that may significantly affect or cause irreversible modification of the present and future status of the zone and its relationship with the region, and any other factors, including, but not limited to:

(a) The zone as an airshed resource for the region, considering climatology and meteorology.

(b) Open space, including scenic easements, parks, and natural preserves, and fire hazards and fire prevention.

(c) Watersheds, floods, and flood damage prevention.

(d) Beaches, estuaries, lagoons, coastal bluffs, springs, creeks, lakes, fish, wildlife, and natural plantlife of the zone and the effects of development thereon.

(e) Recreation, including beaches, parks, and other facilities for sport fishing, surfing, pleasure boating, picnicking, camping, mountaineering, hiking, and horseback riding.

(f) Inventory of Indian settlements and other historical and archeological sites, fossil beds, unusual plantlife, and geological formations for possible future preservation and utilization.

(g) Water supply, water quality, and waste disposal, including sewage plants and outfalls and thermal and radioactive pollution.

(h) Solid waste disposal, including the effect of sanitary landfill activities.

(i) Geology, erosion, soil types, land stability, and grading practices.

(j) Proposed transportation plans, including present and projected traffic patterns, and new methods of solving transportation problems.

(k) Projected population and related housing development within the zone and the impact thereof on the zone and region.

(*l*) Power and desalination plants.

(m) Exploration and exploitation of oil and gas and other minerals and natural resources.

(n) Present land uses and known proposals for change, including impact of land appraisal and tax policies.

(o) Present ownerships, including the administration of publicly owned properties.

(p) Present regulation of land and water uses and activities of all levels of government.

(q) Present laws affecting the zone.

22052. On or before nine months after the effective date of the enactment of this division at the 1970 Regular Session of the Legislature, the commission shall submit a preliminary report of its findings to the Governor and to the Legislature on the basis of the studies required by Section 22051. Thereafter, the commission shall submit such periodic reports of its findings to the Governor and to the Legislature as may be requested by the Governor and the Legislature.

22053. The commission shall analyze the interrelations of the studies prepared pursuant to Section 22051 in order to ascertain what is needed for balanced conservation and development, determine a set of policies and priorities based on this analysis, and prepare a proposal for further legislative action to provide for implementation of these policies.

22054. A final report of the activities of the commission, including its recommendations for legislative and administrative action, shall be filed with the Governor and the Legislature not later than the fifth calendar day of the 1972 Regular Session of the Legislature.

22055. The existence of the commission shall terminate on the 61st day after the final adjournment of the 1972 Regular Session of the Legislature.

22056. In the preparation of its studies, the commission may ask for current land use information, studies, and plans of cities and counties. Federal governmental agencies are requested to, and state and local governmental agencies shall, comply with the requests of the commission for such information. The commission shall make its studies available to cooperating governmental agencies upon request.

22057. The commission may appoint technical advisory committees, whose members shall serve without compensation, and prescribe their membership, powers, and duties.

CHAPTER 5. DEFERMENT OF PUBLIC WORKS INVOLVING IRREVERSIBLE MODIFICATIONS

22080. Acquisition of land for, or construction of, all public works projects, by the State of California and state agencies, with a total budget in excess of five million dollars ($5,000,000) which will cause irreversible modification of the zone are hereby deferred until the 61st day after the final adjournment of the 1972 Regular Session of the Legislature. The provisions of this section shall not apply to districts, agencies, or other governmental entities not primarily supported by an annual appropriation of state funds. All the following projects are excluded from the deferment provided by this section:

(a) Any project funded by state general obligation bonds.

(b) State Highway Routes 5, 101, and 405.

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. There is hereby appropriated from the California Environmental Protection Program Fund, from revenues in the fund generated in the Counties of Ventura and Los Angeles, to the Ventura-Los Angeles Mountain and Coastal Study Commission the sum of one hundred thousand dollars ($100,000) for the support of the commission.

SEC. 4. Section 3 of this act shall become operative only if either Senate Bill No. 262 or Assembly Bill No. 522 is enacted by the Legislature at its 1970 Regular Session.

CHAPTER 1557

An act to add Sections 653o and 653p to the Penal Code, relating to endangered species.

[Approved by Governor September 20, 1970. Filed with Secretary of State September 20, 1970.]

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

SECTION 1. Section 653o is added to the Penal Code, to read:

653o. It is unlawful to import into this state for commercial purposes, to possess with intent to sell, or to sell within the state, the dead body, or any part or product thereof, of any alligator, crocodile, polar bear, leopard, ocelot, tiger, cheetah, jaguar, red wolf, timber wolf, vicuña, sea otter, free roaming feral horse, or Spanish lynx.

SEC. 2. Section 653p is added to the Penal Code, to read:

653p. It is unlawful to possess with the intent to sell, or to sell, within the state, the dead body, or any part or product

thereof, of any species or subspecies of any fish, bird, mammal, amphibian, or reptile, the importation of which is illegal under, and which is listed in the Federal Register by the Secretary of the Interior pursuant to, the Endangered Species Conservation Act of 1969 (Public Law 135, 91st Congress).

SEC. 3. This act shall not prohibit the sale or the possession with the intent to sell of any part or product of any fish, bird, amphibian, reptile or mammal specified in this act when the seller can demonstrate that such part or product was imported into this state before the effective date of this act, and shall not prohibit the sale of such part or product thereof by an individual not normally engaged in such sale, if it was originally possessed by the seller for his own use and so used by him. This act also shall not prohibit the importation of such animals or any part or product thereof for zoological, educational, or scientific purposes.

SEC. 4. This act shall not prohibit the sale or the possession with the intent to sell of any part or product of a sea otter, if it can be demonstrated by the seller or possessor that such sea otter was obtained lawfully under a permit or license issued by a governmental agency having authority to issue such permit or license.

SEC. 5. This act shall become operative on December 1, 1970.

CHAPTER 1558

An act to amend Section 6011.5 of, and to add Sections 6011.6, 6011.7, 6011.8, and 6011.9 to, the Education Code, relating to conservation education, and making an appropriation therefor.

[Approved by Governor September 20, 1970. Filed with Secretary of State September 20, 1970.]

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

SECTION 1. Section 6011.5 of the Education Code is amended to read:

6011.5. The State Superintendent of Public Instruction, upon the recommendation of the Conservation Education Service, is authorized to make planning and implementation grants to individual school districts, or groups of school districts, unified school districts, county superintendents of schools, the University of California, the state colleges, and the community colleges to assist such entities in the development of programs and curriculum in conservation education.

The governing board of any school district, a county superintendent of schools, the governing board of any district maintaining a community college, and any regional conservation education center which may be established may apply to the Conservation Education Service for planning and implementation grants for purposes of conservation education.

SEC. 2. Section 6011.6 is added to the Education Code, to read:

6011.6. In applying for grants pursuant to Section 6011.5, the governing board of any school district, a county superintendent of schools, the governing board of any district maintaining a community college, and regional conservation centers shall assign priority to programs of in-service training in conservation education for teachers through cooperation with appropriate community, state, and federal agencies and university and college teacher education programs.

SEC. 3. Section 6011.7 is added to the Education Code, to read:

6011.7. Public universities and colleges maintaining teacher education programs may apply to the Conservation Education Service for grants to support special programs designed to provide preservice training for teachers in environmental control and the wise use of resources.

SEC. 4. Section 6011.8 is added to the Education Code, to read:

6011.8. State and local agencies, including cities, counties, regional boards and commissions, and special districts may apply to the Conservation Education Service for grants for programs to enhance conservation education in the public schools.

The Superintendent of Public Instruction, upon the recommendation of the Conservation Education Service, is authorized to make grants pursuant to Sections 6011.5 and 6011.7. Grants may also be made for the development of materials for use in the public schools, for support of education programs, and for special assistance to school districts, any regional conservation education centers which may be established, or county superintendents of schools in conjunction with approved programs.

SEC. 5. Section 6011.9 is added to the Education Code, to read:

6011.9. The Conservation Education Service shall submit annual reports to the Department of Education. Such reports shall specify the number of grants recommended and made pursuant to Sections 6011.5, 6011.7, and 6011.8, the amounts of such grants and shall identify the recipients of such grants.

Each recipient of a grant made pursuant to Section 6011.5, 6011.7, or 6011.8 shall annually during the existence of a program for which a grant is made, report to the Department of Education on the progress of such program.

The Department of Education shall, not later than the fifth calendar day of each regular session, submit a report to the Legislature summarizing the information reported to it pursuant to this section.

SEC. 6. There is hereby appropriated from the Environmental Protection Program Fund created by Senate Bill No. 262 of the 1970 Regular Session, during the 1970–1971 fiscal

year the sum of one hundred seventy-six thousand dollars ($176,000), reduced by whatever amounts are made available from federal funds, to the Department of Education for the purposes of the Conservation Education Service, including the provision of grants to school districts and county school departments for the purposes of conservation education.

SEC. 7. Sections 1 to 5, inclusive, of this act shall become operative only if Assembly Bill No. 1050 is not enacted at the 1970 Regular Session of the Legislature.

CHAPTER 1559

An act to amend Section 10053.5 of the Welfare and Institutions Code, relating to public social services.

[Approved by Governor September 20, 1970. Filed with Secretary of State September 20, 1970.]

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

SECTION 1. Section 10053.5 of the Welfare and Institutions Code is amended to read:

10053.5. The department shall directly or through the county department provide protective social services:

(a) For care of patients released from state institutions of the Department of Mental Hygiene; and

(b) When requested by the local director of mental health services, to prevent unnecessary admission of persons to state mental institutions or to facilitate the release of patients for whom hospital care is not the appropriate treatment.

The department, to the extent funds are appropriated and available shall pay for the cost of providing for care in a private home, certified by the department, for any patient released from a state hospital, or, when requested by local director of mental health services any person who would otherwise be subject to admission thereto. The monthly rate for such private home care shall be set by the department at an amount which will provide the best possible care at minimum cost and also insure:

(a) That the released patient will receive proper treatment and may be expected to show progress in achieving the maximum adjustment toward returning to community life; and

(b) That sufficient homes can be recruited to achieve the stated objectives of this section.

To avoid duplication of effort and overlapping of services, the Department of Social Welfare and the Department of Public Health shall develop working agreements so that regional centers now existing or as may be hereinafter created may make fullest possible use of available resources in serving the mentally retarded.

CHAPTER 1560

An act to amend Sections 7354 and 10053.5 of the Welfare and Institutions Code, relating to care of mental patients.

[Approved by Governor September 20, 1970. Filed with Secretary of State September 20, 1970.]

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

SECTION 1. Section 7354 of the Welfare and Institutions Code is amended to read:

7354. Any patient who is released or discharged from a state hospital may be granted care in a licensed hospital or other suitable licensed facility. The State Department of Social Welfare may pay for such care at a rate not exceeding the average cost of care of patients in the state hospitals as determined by the Director of Social Welfare. Such payments shall be made from funds available to the State Department of Social Welfare for that purpose or for the support of patients in the state hospitals.

The State Department of Social Welfare shall make payments for services for mentally retarded and mentally disordered patients in private facilities released or discharged from state hospitals on the basis of reimbursement for reasonable cost, using the same standards and rates consistent with those established by the Administrator of the Health and Welfare Agency for similar types of care. Such payments shall be made within the limitation of funds appropriated to the State Department of Social Welfare for that purpose.

No payments for care of or services for a mentally disordered patient shall be made by the Department of Social Welfare pursuant to this section unless such care or services are requested by the local director of the mental health services of the county of the patient's residence, and unless provision for such care or services is made in the county Short-Doyle plan of the county.

No payments for care of or services for a mentally retarded person shall be made by the Department of Social Welfare pursuant to this section on and after July 1, 1971, unless requested by the regional center having jurisdiction over the person and provision for such care or services is made in the areawide mental retardation plan.

SEC. 2. Section 10053.5 of the Welfare and Institutions Code is amended to read:

10053.5. The department shall directly or through the county department provide protective social services:

(a) For the care of mentally retarded patients released from state hospitals of the Department of Mental Hygiene, or to prevent unnecessary admission of mentally retarded persons to such state hospitals or to facilitate the release of mentally retarded patients for whom such hospital care is no longer

the appropriate treatment; provided that on and after July 1, 1971, such services may be rendered only if requested by the regional center having jurisdiction over the mentally retarded patient and if provision for such services is made in the area-wide mental retardation plan; and

(b) For the care of mentally disordered persons released from state hospitals of the Department of Mental Hygiene, or to prevent unnecessary admission of mentally disordered persons to such state hospitals or to facilitate the release of mentally disordered patients for whom such hospital care is no longer the appropriate treatment; provided that such services may be rendered only if requested by the local director of mental health and if provision for such services is made in the county Short-Doyle plan for the county.

The department, to the extent funds are appropriated and available shall pay for the cost of providing for care in a private home, certified by the department, for mentally disordered or mentally retarded persons described in, and subject to the request and plan conditions of, subdivisions (a) and (b) above. For all such persons without public or private financial resources who are placed in private homes at departmental expense, the Department of Mental Hygiene will provide from support or local assistance budget funds, at a rate to be determined by the Secretary of the Human Relations Agency, moneys necessary to furnish clothing and to meet incidental living expenses. The monthly rate for such private home care shall be set by the department at an amount which will provide the best possible care at minimum cost and also insure:

(a) That the released patient will receive proper treatment and may be expected to show progress in achieving the maximum adjustment toward returning to community life; and

(b) That sufficient homes can be recruited to achieve the stated objectives of this section.

To avoid duplication of effort and overlapping of services, the Department of Social Welfare and the Department of Public Health shall develop working agreements so that regional centers now existing or as may be hereinafter created may make fullest possible use of available resources in serving the mentally retarded.

The department may directly or through the county department provide protective social services, including the cost of care in a private home pursuant to this section or in a suitable facility as specified in Section 7354, at the request of the Department of Mental Hygiene to judicially committed patients released from a state hospital on leave of absence or parole, and payments therefore shall be made from funds available to the department for that purpose or for the support of patients in the state hospitals.

CHAPTER 1561

An act to amend Sections 5719, 7354, and 10053.5 of, and to add Section 5719.1 to, the Welfare and Institutions Code, relating to mental health.

[Approved by Governor September 20, 1970 Filed with Secretary of State September 20, 1970.]

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

SECTION 1. Section 5719 of the Welfare and Institutions Code is amended to read:

5719. To continue county expenditures for legal proceedings involving mentally disordered people and persons with alcoholism, the following costs incurred in carrying out Part 1 (commencing with Section 5000) of this division shall be non-state-reimbursable charges:

(a) The costs involved in bringing a person in for 72-hour treatment and evaluation;

(b) The costs of court proceedings for court-ordered evaluation, including the service of the court order and the apprehension of the person ordered to evaluation when necessary;

(c) The costs of court proceedings in cases of appeal from 14-day intensive treatment;

(d) The cost of legal proceedings in conservatorship other than the costs of conservatorship investigation as defined by regulations of the Department of Mental Hygiene;

(e) The court costs in postcertification proceedings;

(f) The cost of providing a public defender or other court-appointed attorneys in proceedings for those unable to pay.

SEC. 1.5. Section 5719.1 is added to the Welfare and Institutions Code, to read:

5719.1. Notwithstanding the provisions of Section 5705, the net costs of conservatorship investigation, as defined by regulations of the Department of Mental Hygiene, shall be reimbursed on a basis of 60 percent state funds and 40 percent county funds for conservatorship investigation services provided in fiscal year 1970–71, on a basis of 65 percent state funds and 35 percent county funds for conservatorship investigation services provided in fiscal year 1971–72, on a basis of 75 percent state funds and 25 percent county funds for conservatorship investigation services provided in fiscal year 1972–73, and on a basis of 90 percent state funds and 10 percent county funds for conservatorship investigation services provided in fiscal year 1973–74 and in each fiscal year thereafter.

SEC. 2. Section 7354 of the Welfare and Institutions Code is amended to read:

7354. Any mentally retarded or mentally disordered patient who is released or discharged from a state hospital may be granted care in a licensed hospital or other suitable licensed facility. The State Department of Social Welfare may pay for

such care at a rate not exceeding the average cost of care of patients in the state hospitals as determined by the Director of Social Welfare. Such payments shall be made from funds available to the State Department of Social Welfare for that purpose.

The State Department of Social Welfare may make payments for services for mentally retarded and mentally disordered patients in private facilities released or discharged from state hospitals on the basis of reimbursement for reasonable cost, using the same standards and rates consistent with those established by the Administrator of the Health and Welfare Agency for similar types of care. Such payments shall be made within the limitation of funds appropriated to the State Department of Social Welfare for that purpose.

No payments for care or services of a mentally disordered patient shall be made by the Department of Social Welfare pursuant to this section unless such care or services are requested by the local director of the mental health services of the county of the patient's residence, unless provision for such care or services is made in the county Short-Doyle plan of the county, and unless the Department of Social Welfare and the local mental health services enter a contract in accordance with the Short-Doyle Act (commencing with Section 5600) under which the county shall reimburse the department for 10 percent of the amount expended by the department, exclusive of such portion of the cost as is provided by the federal government.

The provision for such 10-percent county share shall be inapplicable with respect to any county with a population of under 100,000 which has not elected to participate financially in providing services under Division 5 of this code in accordance with Section 5709.5.

No payments for care or services of a mentally retarded person shall be made by the Department of Social Welfare pursuant to this section on and after July 1, 1971, unless requested by the regional center having jurisdiction over the patient and provision for such care or services is made in the areawide mental retardation plan.

SEC. 3. Section 10053.5 of the Welfare and Institutions Code is amended to read:

10053.5. The department shall directly or through the county department provide protective social services:

(a) For the care of mentally retarded patients released from state hospitals of the Department of Mental Hygiene, or to prevent the unnecessary admission of mentally retarded persons to state hospitals of the Department of Mental Hygiene or to facilitate the release of mentally retarded patients for whom such hospital care is no longer the appropriate treatment; provided that, on and after July 1, 1971, such services may be rendered only if requested by the regional center having jurisdiction over the mentally retarded patient and if pro-

vision for such services is made in the areawide mental retardation plan.

(b) For the care of mentally disordered patients released from state hospitals or to prevent the unnecessary admission of mentally disordered persons to state hospitals of the Department of Mental Hygiene or to facilitate the release of mentally disordered patients for whom such hospital care is no longer the appropriate treatment; provided that such services may be rendered only if requested by the local director of mental health and if provision for such services is made in the county Short-Doyle plan for the county.

The department, to the extent funds are appropriated and available, shall pay for the cost of providing for care in a private home, certified by the department, for mentally disordered or mentally retarded persons described in, and subject to the request and plan conditions of, subdivisions (a) and (b) above. The monthly rate for such private home care shall be set by the department at an amount which will provide the best possible care at minimum cost and also insure:

(1) That the person will receive proper treatment and may be expected to show progress in achieving the maximum adjustment toward returning to community life; and

(2) That sufficient homes can be recruited to achieve the stated objectives of this section.

For all such persons without public or private financial resources who are placed in private homes at departmental expense, if requested by the local director of mental health services in the case of mentally disordered persons, the Department of Mental Hygiene may provide from local assistance budget funds, at a rate to be determined by the Secretary of the Human Relations Agency, moneys necessary to furnish clothing and to meet incidental living expenses. No such moneys shall be provided by the Department of Mental Hygiene for mentally retarded patients after July 1, 1971.

To avoid duplication of effort and overlapping of services, the Department of Social Welfare and the Department of Public Health shall develop working agreements so that regional centers now existing or as may be hereinafter created may make fullest possible use of available resources in serving the mentally retarded.

Any funds expended for the care of persons in a private home certified by the department, including costs of administration and staffing and including money necessary to furnish clothing and to meet incidental living expenses, at the request of the local director of a mental health service pursuant to this section shall be expended by the department only if the department and the local mental health service enter a contract in accordance with the Short-Doyle Act (commencing with Section 5600) under which the county shall reimburse the department for 10 percent of the amount expended by the department, exclusive of such portion of the cost as is provided by the federal government.

The provision for such 10-percent county share shall be inapplicable with respect to any county with a population of under 100,000 which has not elected to participate financially in providing services under Division 5 of this code in accordance with Section 5709.5.

The department may directly or through the county department provide protective social services, including the cost of care in a private home pursuant to this section or in a suitable facility as specified in Section 7354, at the request of the Department of Mental Hygiene, for judicially committed patients released from a state hospital on leave of absence or parole, and payments therefor shall be made from funds available to the department for that purpose or for the support of patients in state hospitals.

SEC. 4. The Director of Finance may transfer funds appropriated to the Department of Social Welfare in Item 132 of the Budget Act of 1970 to Item 273 for the purposes of this act in the provision of protective social services and care in private homes or facilities to mentally disordered patients.

SEC. 5. This act shall become operative on January 1, 1971.

CHAPTER 1562

An act to add Sections 18102.11 and 18102.12 to the Education Code, relating to special education allowances and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 20, 1970 Filed with Secretary of State September 20, 1970]

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

SECTION 1. Section 18102.11 is added to the Education Code, to read:

18102.11. In lieu of the allowances provided under Sections 18102 to 18102.9, inclusive, for mentally retarded minors and severely mentally retarded minors, with respect to such pupils reevaluated and reexamined and determined to have the mental capacity for regular school enrollment, but in addition to allowances provided for foundation program support, the Superintendent of Public Instruction shall grant, from the moneys allocated by subdivision (c) of Section 17303.5, an allowance to school districts and county superintendents of schools providing supplemental education programs to facilitate the return to the regular school program of mentally retarded minors and severely mentally retarded minors who have been in special day classes, but who, upon being reevaluated or reexamined, are determined to have the mental capacity for regular school enrollment.

The allowance shall be an amount equal to the allowance computed pursuant to Section 18102.2, and Section 18102.8, if

applicable. The allowance shall be granted for not more than the two next succeeding fiscal years, following the retesting under the direction of the Department of Education.

The allowance shall be granted for each of the two next succeeding fiscal years, following the reevaluation or reexamination.

Whenever a school district or county superintendent of schools or the Superintendent of Public Instruction determines that an eligible student has made satisfactory academic progress so that he may be integrated into the regular school program, the district shall be ineligible for further support for such student pursuant to this article and the district's apportionment shall be likewise reduced.

This section shall not be operative on or after July 1, 1972.

SEC. 2. Section 18102.12 is added to the Education Code, to read:

18102.12. Beginning with the 1970–1971 fiscal year, for each special educational program for which an allowance is provided under Section 18102.11, each school district and each county superintendent of schools maintaining such program shall report annually to the Superintendent of Public Instruction, on forms he shall provide, all expenditures and income related to each such program.

If the Superintendent of Public Instruction, in consultation with the Director of Special Education, determines that the current expense of operating a special program does not equal or exceed the total of basic state aid and state equalization aid provided for support of the regular foundation program per unit of average daily attendance and the allowance provided under Section 18102.11, and any amount of local tax funds contributed toward the support of the foundation programs for each pupil in average daily attendance in the special program, then the amount of such deficiency shall be withheld from state apportionments to the school district or the county superintendent of schools, as the case may be, in the succeeding fiscal year in accordance with the procedure prescribed in Section 17414.

This section shall not be operative on or after July 1, 1972.

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 pupils who have been incorrectly placed in classes for mentally retarded and severely mentally retarded may be placed in the regular school program as quickly as possible, it is necessary that this act take effect immediately.

CHAPTER 1563

An act to amend Section 25505.8 of the Education Code, relating to junior colleges.

[Approved by Governor September 20, 1970. Filed with Secretary of State September 20, 1970.]

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

SECTION 1. Section 25505.8 of the Education Code is amended to read:

25505.8. A district may admit and shall charge a tuition fee to nonresident students. The district may exempt from all or parts of the fee nonresidents who (a) enroll for six units or less, (b) are both citizens and residents of a foreign country, (c) are military personnel or the dependents of military personnel, or (d) have been determined by the district governing board to be self-supporting inhabitants of the district for at least one year and eligible for state and federal educational opportunity grants or aid. Any exemptions shall be made with regard to all nonresidents described in (a), or (b), or (c), or (d) above, and shall not be made on an individual basis.

A district may, without the approval of the Superintendent of Public Instruction contract with a state, the federal government, a foreign country, or an agency thereof, for payment of all or a part of a nonresident student's tuition fee.

The nonresident tuition fee shall be paid in two equal installments at the beginning of each semester, or three equal installments at the beginning of each quarter and shall be set by the State Board of Education not later than January 1st of each year. The fee shall represent the amount per student enrolled in junior colleges in all the districts of the state, which is expended by all the districts from district tax funds for the costs of instruction as defined by the California School Accounting Manual for pupils enrolled in grades 13 and 14.

The amount per pupil enrolled shall be derived by dividing the costs of instruction expended from district funds during the preceding year by the quotient of the average daily attendance during the same year in grades 13 and 14 of all districts maintaining junior colleges in the state divided by 1.2. The same fee shall be charged irrespective of the type of class in which the student is enrolled.

The State Board of Education shall also adopt a per-unit tuition fee for nonresidents on less than a full-time basis by dividing the fee for full-time nonresidents by 30 (units). The same per-unit rate shall be charged all nonresident students attending any summer sessions maintained by the junior college.

A district shall report annually to the State Department of Education the number of nonresidents enrolled for six units or less, the number of nonresidents enrolled for more than six

units, and the total amount of fees collected from each category.

The provisions of this section which require a mandatory fee for nonresidents shall not apply to any district in which during the school year 1962–63 more than 25 percent of the students enrolled were residents of another state; except that the provisions of this section shall apply to such districts beginning with the school year 1970–71 and except that the provisions of this section which require annual reports to be filed with the State Department of Education on the number of such students enrolled shall apply to such districts in the same manner as to any other district.

SEC 2. Section 25505.8 of the Education Code is amended to read:

25505.8. A district may admit and shall charge a tuition fee to nonresident students. The district may exempt from all or parts of the fee nonresidents who (a) enroll for six units or less, (b) are both citizens and residents of a foreign country, or (c) are military personnel or the dependents of military personnel, or (d) have been determined by the district governing board to be self-supporting inhabitants of the district for at least one year and eligible for state and federal educational opportunity grants or aid Any exemptions shall be made with regard to all nonresidents described in (a), or (b), or (c), or (d) above, and shall not be made on an individual basis.

A district may, without the approval of the Superintendent of Public Instruction contract with a state, the federal government, a foreign country, or an agency thereof, for payment of all or a part of a nonresident student's tuition fee.

The nonresident tuition fee shall be paid in two equal installments at the beginning of each semester, or three equal installments at the beginning of each quarter and shall be set by the Board of Governors of the California Community Colleges not later than January 1st of each year. The fee shall represent the amount per student enrolled in community colleges in all the districts of the state, which is expended by all the districts from district tax funds for the costs of instruction as defined by the California School Accounting Manual for pupils enrolled in grades 13 and 14.

The amount per pupil enrolled shall be derived by dividing the costs of instruction expended from district funds during the preceding year by the quotient of the average daily attendance during the same year in grades 13 and 14 of all districts maintaining community colleges in the state divided by 1.2. The same fee shall be charged irrespective of the type of class in which the student is enrolled.

The Board of Governors of the California Community Colleges shall also adopt a per-unit tuition fee for nonresidents on less than a full-time basis by dividing the fee for full-time nonresidents by 30 (units). The same per-unit rate shall be

charged all nonresident students attending any summer sessions maintained by the community college.

A district shall report annually to the Board of Governors of the California Community Colleges the number of nonresidents enrolled for six units or less, the number of nonresidents enrolled for more than six units, and the total amount of fees collected from each category.

The provisions of this section which require a mandatory fee for nonresidents shall not apply to any district in which during the school year 1962–63 more than 15 percent of the students enrolled were residents of another state; except that the provisions of this section shall apply to such districts beginning with the school year 1975–1976 and except that the provisions of this section which require annual reports to be filed with the Board of Governors of the California Community Colleges on the number of such students enrolled shall apply to such districts in the same manner as to any other district.

SEC. 3. It is the intent of the Legislature, if amendments to Section 25505.8 of the Education Code, proposed by both Section 1 of this bill and Assembly Bill No. 544, are enacted, that both amendments be given effect and incorporated in Section 25505.8 in the form set forth in Section 2 of this act. Therefore, in the event Assembly Bill No. 544 is enacted and amends Section 25505.8, Section 2 of this act shall become operative at the same time that Section 25505.8 as amended by Assembly Bill No. 544 becomes operative, and at that time, Section 25505.8 of the Education Code as amended by Section 1 of this act is repealed.

CHAPTER 1564

An act to amend Section 25505.8 of the Education Code, relating to community colleges.

[Approved by Governor September 20, 1970. Filed with Secretary of State September 20, 1970.]

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

SECTION 1. Section 25505.8 of the Education Code is amended to read:

25505.8. A district may admit and shall charge a tuition fee to nonresident students. The district may exempt from all or parts of the fee nonresidents who (a) enroll for six units or less, (b) are both citizens and residents of a foreign country, or (c) are military personnel or the dependents of military personnel. Any exemptions shall be made with regards to all nonresidents described in (a), or (b), or (c) above, and shall not be made on an individual basis.

A district may, without the approval of the Board of Governors of the California Community Colleges contract with a

state, the federal government, a foreign country, or an agency thereof, for payment of all or a part of a nonresident student's tuition fee.

The nonresident tuition fee shall be paid in two equal installments at the beginning of each semester, or three equal installments at the beginning of each quarter and shall be set by the Board of Governors of the California Community Colleges not later than January 1st of each year. The fee shall represent the amount per student enrolled in community colleges in all the districts of the state, which is expended by all districts for the average current costs of education as defined by the California School Accounting Manual for pupils enrolled in grades 13 and 14.

The Board of Governors of the California Community Colleges shall compute the amount per pupil enrolled in all districts of the state.

The amount per pupil enrolled shall be derived by dividing the average current costs expended from funds from all sources during the preceding year by the quotient of the average daily attendance during the same year in grades 13 and 14 of all districts maintaining community colleges in the state divided by 1.2, and subtracting therefrom the amount allowed as basic state aid from the State School Fund. The same fee shall be charged irrespective of the type of class in which the student is enrolled.

The Board of Governors of the California Community Colleges shall also adopt a per-unit tuition fee for nonresidents on less than a full-time basis by dividing the fee for full-time nonresidents by 30 (units). The same per-unit rate shall be charged all nonresident students attending any summer sessions maintained by the community college.

A district shall report annually to the Board of Governors of the California Community Colleges the number of nonresidents enrolled for six units or less, the number of nonresidents enrolled for more than six units, and the total amount of fees collected from each category.

The provisions of this section which require a mandatory fee for nonresidents shall not apply to any district in which during the school year 1962–63 more than 25 percent of the students enrolled were residents of another state; except that the provisions of this section shall apply to such districts beginning with the school year 1970–71 and except that the provisions of this section which require annual reports to be filed with the Board of Governors of the California Community Colleges on the number of such students enrolled shall apply to such districts in the same manner as to any other district.

SEC. 2. Section 25505.8 of the Education Code is amended to read:

25505.8. A district may admit and shall charge a tuition fee to nonresident students. The district may exempt from all or parts of the fee nonresidents who (a) enroll for six units or less, (b) are both citizens and residents of a foreign country,

or (c) are military personnel or the dependents of military personnel. Any exemptions shall be made with regards to all nonresidents described in (a), or (b), or (c) above, and shall not be made on an individual basis.

A district may, without the approval of the Board of Governors of the California Community Colleges contract with a state, the federal government, a foreign country, or an agency thereof, for payment of all or a part of a nonresident student's tuition fee.

The nonresident tuition fee shall be paid in two equal installments at the beginning of each semester, or three equal installments at the beginning of each quarter and shall be set by the Board of Governors of the California Community Colleges not later than January 1st of each year. The fee shall represent the amount per student enrolled in community colleges in all the districts of the state, which is expended by all districts for the average current costs of education as defined by the California School Accounting Manual for pupils enrolled in grades 13 and 14.

The Board of Governors of the California Community Colleges shall compute the amount per pupil enrolled in all districts of the state.

The amount per pupil enrolled shall be derived by dividing the average current costs expended from funds from all sources during the preceding year by the quotient of the average daily attendance during the same year in grades 13 and 14 of all districts maintaining community colleges in the state divided by 1.2, and subtracting therefrom the amount allowed as basic state aid from the State School Fund. The same fee shall be charged irrespective of the type of class in which the student is enrolled.

The Board of Governors of the California Community Colleges shall also adopt a per-unit tuition fee for nonresidents on less than a full-time basis by dividing the fee for full-time nonresidents by 30 (units). The same per-unit rate shall be charged all nonresident students attending any summer sessions maintained by the community college.

A district shall report annually to the Board of Governors of the California Community Colleges the number of nonresidents enrolled for six units or less, the number of nonresidents enrolled for more than six units, and the total amount of fees collected from each category.

The provisions of this section which require a mandatory fee for nonresidents shall not apply to any district in which during the school year 1962–63 more than 15 percent of the students enrolled were residents of another state; except that the provisions of this section shall apply to such districts beginning with the school year 1975–1976 and except that the provisions of this section which require annual reports to be filed with the Board of Governors of the California Community Colleges on the number of such students enrolled shall apply to such districts in the same manner as to any other district.

SEC. 3. It is the intent of the Legislature, if amendments to Section 25505.8 of the Education Code, proposed by both Section 1 of this bill and Assembly Bill No. 544, are enacted, that both amendments be given effect and incorporated in Section 25505.8 in the form set forth in Section 2 of this act. Therefore, in the event Assembly Bill No. 544 is enacted and amends Section 25505.8, Section 2 of this act shall become operative at the same time that Section 25505.8 as amended by Assembly Bill No. 544 becomes operative, and at that time, Section 25505.8 of the Education Code as amended by Section 1 of this act is repealed.

CHAPTER 1565

An act to amend Sections 13262, 13263, 13443, and 13447 of the Education Code, relating to public school employment.

[Approved by Governor September 20, 1970. Filed with Secretary of State September 20, 1970.]

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

SECTION 1. Section 13262 of the Education Code is amended to read:

13262. Except as otherwise provided in Sections 13252 to 13273, inclusive, every probationary or permanent employee employed before July 1, 1947, shall be deemed to have been employed on the date upon which he first accepted employment in a probationary position.

In case two or more employees accepted employment on the same date the governing board of the district shall determine the order of employment within 10 days of the date of first paid service for all who rendered service on such date by lots drawn by the employees concerned or assigned at random by an independent auditing firm employed in accordance with Section 13263 or by other means as determined pursuant to the procedures described in Article 5 (commencing with Section 13080) of Chapter 1 of this division.

If district costs are incurred pursuant to the use of an independent auditing firm the governing board of the district may assess equally the employees involved an amount not to exceed one dollar ($1) to implement the provisions of this section.

SEC. 1.5. Section 13263 of the Education Code is amended to read:

13263. (a) Every probationary or permanent employee employed after June 30, 1947, shall be deemed to have been employed on the date upon which he first rendered paid service in a probationary position.

In any district in which appointments are made from eligible lists established by examination, if two or more em-

ployees rendered their first paid service on the same date, the board shall determine the order of employment of employees so appointed by lot drawn as follows:

First, those who were highest on their eligible lists, except as they have waived appointment, shall draw lots for preferred order as among such employees.

Second, those who were next highest on their respective eligible lists shall similarly draw lots for preferred order as among themselves.

In like manner, drawings shall continue until the order of employment of all shall have been determined. Employees appointed subject to examination shall draw last of all.

(b) If, pursuant to this section it is determined that the district shall draw lots to make such determinations, then all employees who rendered their first paid service on the same date shall participate in the drawing, and in the absence of any such employee, the superintendent or his designated representative shall draw for the absent employee or employees. The superintendent shall deliver a notice to all such employees of the time and place of such drawing, on the date of the employee's first day of paid service.

SEC. 2. 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 and provided that cause shall include termination of services for the reasons specified in Section 13447. The decision made after the hearing shall be effective on May 15 of the year 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 con-

tinuance shall be extended for a period of time equal to such continuance.

SEC. 3. Section 13447 of the Education Code is amended to read:

13447. No permanent employee shall be deprived of his position for causes other than those specified in Sections 13313, 13327 and 13338, and Sections 13403 to 13441, inclusive, and no probationary employee shall be deprived of his position for cause other than as specified in Sections 13442 and 13443, except in accordance with the provisions of Section 13319 and Sections 13447 to 13452, inclusive.

Whenever in any school year the average daily attendance in all of the schools of a district for the first six months in which school is in session shall have declined below the corresponding period of either of the previous two school years, or whenever a particular kind of service is to be reduced or discontinued not later than the beginning of the following school year, and when in the opinion of the governing board of said district it shall have become necessary by reason of either of such conditions to decrease the number of permanent employees in said district, the said governing board may terminate the services of not more than a corresponding percentage of the certificated employees of said district, permanent as well as probationary, at the close of the school year; provided, that the services of no permanent employee may be terminated under the provisions of this section while any probationary employee, or any other employee with less seniority, is retained to render a service which said permanent employee is certificated and competent to render.

Notice of such termination of services either for a reduction in attendance or reduction or discontinuance of a particular kind of service to take effect not later than the beginning of the following school year, shall be given before the 15th of May in the manner prescribed in Section 13443, and services of such employees shall be terminated in the inverse of the order in which they were employed, as determined by the board in accordance with the provisions of Sections 13262 and 13263 of this code. In the event that a permanent or probationary employee is not given the notices and a right to a hearing as provided for in Section 13443, he shall be deemed reemployed for the ensuing school year.

The board shall make assignments and reassignments in such a manner that employees shall be retained to render any service which their seniority and qualifications entitle them to render.

SEC. 4. If Assembly Bill No. 747 is enacted at the 1970 Regular Session of the Legislature and amends Section 13262 of the Education Code, then Section 1 of this act shall not become operative.

CHAPTER 1566

An act to amend Sections 21681, 21682, 21684, 21685 and 21688 of, and to add Section 21684.5 to, the Public Utilities Code, relating to Airport Assistance Revolving Fund.

[Approved by Governor September 20, 1970 Filed with Secretary of State September 20, 1970.]

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

SECTION 1. Section 21681 of the Public Utilities Code is amended to read:

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 money provided by the public entity and which does not consist of funds previously received from state or federal agencies or public entity funds previously used to match federal or state funds. This definition shall be retroactive to July 1, 1967.

(c) "General aviation" means all aviation with the exception of air carrier and military aviation.

(d) "Public entity" means any city, county, airport district, airport authority, port district, port authority, public district, public authority, political subdivision or public corporation and the University of California.

(e) "Public agency" means the various agencies of the State of California and the federal government.

(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) Air navigational facilities.

(13) 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.

SEC. 1.5. Section 21681 of the Public Utilities Code is amended to read:

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 money provided by the public entity and which does not consist of funds previously received from state or federal agencies or public entity funds previously used to match federal or state funds. This definition shall be retroactive to July 1, 1967.

(c) "General aviation" means all aviation with the exception of air carrier and military aviation.

(d) "Public entity" means any city, county, airport district, airport authority, port district, port authority, public district, public authority, political subdivision or public corporation and the University of California.

(e) "Public agency" means the various agencies of the State of California and the federal government.

(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) Air navigational facilities.

(13) 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.

SEC. 2. Section 21682 of the Public Utilities Code is amended to read:

21682. (a) The department shall, subject to the provisions of Section 21684, pay from the fund to each public entity owning and operating an airport or airports under a valid permit issued by the department the sum of five thousand dollars ($5,000) annually for each such airport, to be ex-

pended solely for airport and aviation purposes related to such airport or airports.

(b) The department shall, subject to the provisions of Section 21684, pay from the fund to the University of California the sum of five thousand dollars ($5,000) 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 airport and 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.

(f) No payment shall be made under this section to any public entity or the University of California for any year in which the department allocates twenty-five thousand dollars ($25,000) or more to such entity or the university pursuant to Section 21683.

(g) The Department of Aeronautics may make regulations to implement the provisions of this section.

SEC. 3. Section 21684 of the Public Utilities Code is amended to read:

21684. (a) No payment shall be made to a public entity pursuant to this article unless the public entity has established a special aviation fund in which all payments received by a public entity under this article shall be deposited for expenditure solely for airport and aviation purposes. No payment shall be made to a public entity pursuant to Section 21682 or 21683 unless the public entity deposits in its special aviation fund, 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 five thousand dollars ($5,000) 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) Payments made by the department pursuant to Section 21682 and funds provided by public entities to match these payments 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.

SEC. 4. Section 21684.5 is added to the Public Utilities Code, to read:

21684.5. Notwithstanding the provisions of this article inasmuch as they require matching funds the department may allocate funds to public agencies for the construction of airports.

SEC. 5. Section 21685 of the Public Utilities Code is amended to read:

21685. Any public entity 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 entity may expend such money. Any money paid to a state college or branch of the University of California shall be expended within the public entity paying the money.

SEC. 6. Section 21688 of the Public Utilities Code is amended to read:

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 height restrictions around 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.

Height restrictions shall be considered adequate if as a minimum they meet the obstruction standards of subchapter C of Part 77 of the Federal Aviation Regulations of the Federal Aviation Administration, Department of Transportation as these standards apply to civil airport imaginary surfaces related to runways.

The airport-owning entity must have sufficient control over obstructions in the airspace in the vicinity of the airport to assure that height restrictions can be maintained. This control may be in the form of ownership of any land from which obstructions may rise, air navigation easements to guarantee maintenance of restrictions, or height limitation or land use zoning which will prohibit obstructions which would violate the obstruction standards.

(b) This section shall not prevent or prohibit the department from assisting any public agency or public entity in planning airport development or in planning the zoning needs around an airport.

SEC. 6.5. Section 21688 of the Public Utilities Code is amended to read:

21688. (a) Effective July 1, 1967, no payments shall be made from the Aeronautics Fund for expenditure on any airport or for the acquisition or development of any airport if the department determines that the height restrictions around 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.

Height restrictions shall be considered adequate if as a minimum they meet the obstruction standards of subchapter C of Part 77 of the Federal Air Regulations of the Federal Aviation Administration, Department of Transportation as these standards apply to civil airport imaginary surfaces related to runways.

The airport-owning entity must have sufficient control over obstructions in the airspace in the vicinity of the airport to assure that height restrictions can be maintained. This control may be in the form of ownership of any land from which obstructions may rise, air navigation easements to guarantee maintenance of restrictions, or height limitation or land use zoning which will prohibit obstructions which would violate the obstruction standards.

(b) This section shall not prevent or prohibit the department from assisting any public agency or public entity in planning airport development or in planning the zoning needs around an airport.

SEC. 7. It is the intent of the Legislature, if amendments to Section 21681 of the Public Utilities Code proposed by both this bill and Senate Bill No. 1089 are enacted, that both amendments be given effect and incorporated in Section 21681

in the form set forth in Section 1.5 of this act. Therefore, in the event Senate Bill No. 1089 is enacted and amends Section 21681, Section 1.5 of this act shall become operative at the same time that Section 21681 as amended by Senate Bill No. 1089 becomes operative, and at that time, Section 21681 of Public Utilities Code as amended by Section 1 of this act is repealed.

SEC. 8. It is the intent of the Legislature, if amendments to Section 21688 of the Public Utilities Code proposed by both this bill and Senate Bill No. 1089 are enacted, that both amendments be given effect and incorporated in Section 21688 in the form set forth in Section 6.5 of this act. Therefore, in the event Senate Bill No. 1089 is enacted and amends Section 21688, Section 6.5 of this act shall become operative at the same time that Section 21688 as amended by Senate Bill No. 1089 becomes operative, and at that time, Section 21688 of the Public Utilities Code as amended by Section 6 of this act is repealed.

CHAPTER 1567

An act to amend Section 12509 of the Vehicle Code, relating to driver training.

[Approved by Governor September 20, 1970. Filed with Secretary of State September 20, 1970.]

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

SECTION 1. Section 12509 of the Vehicle Code is amended to read:

12509. (a) Except as provided in subdivision (f) of Section 12514 any physically or mentally qualified person who is 15 years and 6 months or over who has successfully completed approved courses in automobile driver education and driver training as provided in Section 12507 or any physically or mentally qualified person who is over the age of 17 years and 6 months may apply to the department for an instruction permit. The department for good cause may issue to the applicant an instruction permit which shall entitle the applicant while having the permit in his immediate possession to drive a motor vehicle, including a motorcycle subject to the limitations imposed by subdivision (d) of this section, upon the highways for a period not exceeding six months when, except in the case of a motorcycle, accompanied by, and under the immediate supervision of, a California licensed driver 25 years of age or over not holding a probationary type license. The department may extend the period of the permit for an additional period not to exceed six months upon receipt of a written request from the applicant prior to the expiration of the original six months period. The department may further restrict the permits as it may determine to be appropriate to assure the safe operation of a motor vehicle by the permittee.

(b) The department may also issue an instruction permit to any physically and mentally qualified person age 15 years and 6 months or over who has successfully completed an approved course in automobile driver education and is taking driver training as provided in Section 12507. The department may issue an instruction permit to any physically and mentally qualified person age 15 years or over who is enrolled in an approved driver education course and is at the same time or during the same semester enrolled in an approved driver training course. No student shall take driver training instruction unless he is at the same time taking driver education instruction or has successfully completed driver education. The instruction permit shall be restricted to the operation of a motor vehicle other than a motorcycle either when taking the driver training instruction of a kind referred to in Section 12507, or when practicing such instruction and accompanied by a licensed driver as provided in subdivision (a).

(c) The department may also issue an instruction permit to a person who has been issued a valid driver's license to authorize the person to obtain driver training instruction and to practice such instruction in order to obtain an additional class driver's license or an endorsement.

(d) The department may also issue an instruction permit to any physically and mentally qualified person who is 15 years and 6 months or over and has successfully completed approved courses in automobile driver education and driver training as provided in Section 12507 or to any physically and mentally qualified person who is over the age of 17 years and 6 months which shall enable the applicant while having the permit in his immediate possession to drive a motorcycle, except that such applicant shall not operate a motorcycle during hours of darkness, shall stay off any freeways which have full control of access and no crossings at grade and shall not carry any passenger except an instructor licensed under Chapter 1 (commencing with Section 11100) of Division 5.

SEC. 2. Section 12509 of the Vehicle Code is amended to read:

12509. (a) Except as provided in subdivision (f) of Section 12514 any physically or mentally qualified person who is 15 years and 6 months or over who has successfully completed approved courses in automobile driver education and driver training as provided in Section 12507 or any physically or mentally qualified person who is over the age of 17 years and 6 months may apply to the department for an instruction permit. The department for good cause may issue to the applicant an instruction permit which shall entitle the applicant while having the permit in his immediate possession to drive a motor vehicle, including a motorcycle subject to the limitations imposed by subdivision (d) of this section, upon the highways for a period not exceeding six months when, except in the case of a motorcycle, accompanied by, and under the immediate supervision of, a California licensed driver 21 years of age or

over not holding a probationary type license. The restriction as to the age of the person accompanying the applicant shall not apply when he is an instructor licensed under Chapter 1 (commencing with Section 11000) of Division 5 of this code or a qualified instructor as defined in Section 18252.2 of the Education Code. The department may extend the period of the permit for an additional period not to exceed six months upon receipt of a written request from the applicant prior to the expiration of the original six-months period. The department may further restrict the permits as it may determine to be appropriate to assure the safe operation of a motor vehicle by the permittee.

(b) The department may also issue an instruction permit to any physically and mentally qualified person age 15 years and 6 months or over who has successfully completed an approved course in automobile driver education and is taking driver training as provided in Section 12507. The department may issue an instruction permit to any physically and mentally qualified person age 15 years or over who is enrolled in an approved driver education course and is at the same time or during the same semester enrolled in an approved driver training course. No student shall take driver training instruction unless he is at the same time taking driver education instruction or has successfully completed driver education. The instruction permit shall be restricted to the operation of a motor vehicle other than a motorcycle either when taking the driver training instruction of a kind referred to in Section 12507, or when practicing such instruction and accompanied by a licensed driver as provided in subdivision (a).

(c) The department may also issue an instruction permit to a person who has been issued a valid driver's license to authorize the person to obtain driver training instruction and to practice such instruction in order to obtain an additional class driver's license or an endorsement.

(d) The department may also issue an instruction permit to any physically and mentally qualified person who is 15 years and 6 months or over and has successfully completed approved courses in automobile driver education and driver training as provided in Section 12507 or to any physically and mentally qualified person who is over the age of 17 years and 6 months which shall enable the applicant while having the permit in his immediate possession to drive a motorcycle, except that such applicant shall not operate a motorcycle during hours of darkness, shall stay off any freeways which have full control of access and no crossings at grade and shall not carry any passenger except an instructor licensed under Chapter 1 (commencing with Section 11100) of Division 5 of this code or a qualified instructor as defined in Section 18252.2 of the Education Code.

SEC. 3. It is the intent of the Legislature, if amendments to Section 12509 of the Vehicle Code proposed by both this bill and Assembly Bill No. 1339 are enacted, that both amend-

ments be given effect and incorporated in Section 12509 in the form set forth in Section 2 of this act. Therefore, in the event Assembly Bill No. 1339 is enacted and amends Section 12509, Section 2 of this act shall become operative at the same time that Section 12509 as amended by Assembly Bill No. 1339 becomes operative, and at that time, Section 12509 of the Vehicle Code as amended by Section 1 of this act is repealed.

CHAPTER 1568

An act to amend Sections 29001, 29003, 29004, 29005, 29006, 29007, 29007.3, 29007.5, 29007.6, 29008, 29009, 29010, 29011, 29012, 29013, 29015, 29017, 29018, 29018.5, 29021, and 29022 of, and to repeal Section 29007.2 of, the Education Code, relating to private education institutions.

[Approved by Governor September 20, 1970 Filed with Secretary of State September 20, 1970]

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

SECTION 1. Section 29001 of the Education Code is amended to read:

29001. As used in this article "degree" means any "academic degree" or "honorary degree" or title of 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, educational, technological, or professional program of study beyond the secondary school level or is a recognized honorary title conferred for some meritorious recognition.

As used in this article "diploma" means any "diploma," "certificate," "transcript," "document," or other writing in any language other than a degree representing that any person has completed any course of study beyond high school.

Any person, firm, association, partnership, or corporation qualifying under this division to issue "degrees" or "diplomas" is considered as being authorized to issue appropriate related documents, setting forth the training and attendance completed by students enrolled in the course of study.

Graduation from high school or its equivalent need not be nor purport to be a prerequisite for undertaking or completing such course of study.

SEC. 2. Section 29003 of the Education Code is amended to read:

29003. A corporation may be formed pursuant to this article for the purpose of establishing, conducting, and maintaining an educational institution offering courses of instruction beyond high school, and issuing or conferring a diploma or degree. Such institutions shall include, but not be limited to, seminaries of learning, specialized educational institutions, jun-

ior colleges, colleges, and universities, offering courses beyond high school.

SEC. 3. Section 29004 of the Education Code is amended to read:

29004. A corporation formed pursuant to this article shall comply with Chapter 1 (commencing with Section 300) of Part 2, Division 1, Title 1 of the Corporations Code, except that in lieu of the requirements of Sections 301 to 305, inclusive, the articles of incorporation shall state:

(a) The name of the corporation.

(b) The purpose for which it is organized.

(c) The county in this state where the principal office for the transaction of the business of the corporation is to be located.

(d) The names, residence address and number of its directors at the time of its incorporation. Provision may be made that the number of directors may be established by the bylaws; provided, that the number of directors may not be less than five.

SEC. 4. Section 29005 of the Education Code is amended to read:

29005. (a) If a corporation formed pursuant to this article is to be authorized to issue shares of stock, the articles of incorporation shall state the total number of shares which the corporation shall have authority to issue and (1) the aggregate par value, if any, of all shares, and the par value of each of the shares, or (2) a statement that all the shares are to be without par value and except as herein provided shall be treated for all purposes as being incorporated pursuant to Division 1 (commencing with Section 300) of Title 1 of the Corporations Code.

(b) If a corporation formed pursuant to this article is to be authorized as a nonprofit corporation without authority to issue shares of stock, the articles of incorporation shall so state and except as herein provided, such corporation shall be treated for all purposes as being incorporated pursuant to Part 1 (embracing Sections 9000 to 9802, inclusive) of Division 2 of Title 1 of the Corporations Code and shall have the general powers granted by Section 10206 of the Corporations Code.

SEC. 5. Section 29006 of the Education Code is amended to read:

29006. No person, firm, association, partnership or corporation may issue or confer any honorary degree, diploma or certificate whatsoever unless such degree, diploma or certificate clearly and plainly states on its face that it is honorary.

No person shall use, in connection with any business or profession, any title or designation signifying that he has been awarded any degree, diploma, or certificate which clearly and plainly states on its face that it is honorary. Nothing in this section, however, prohibits the use of an honorary degree when such use does not imply that the user possesses an economically valuable professional or technical skill.

SEC. 6. 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, technological, 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), or (d) of this section or Section 29007.5.

(a) (1) A person, firm, association, partnership or corporation which at the time of the issuance of a "degree" has accreditation of the institution, program, or specific course upon which the "degree" is based by a national or 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 administrative head 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 by the Superintendent of Public Instruction for one year upon the initial approval and shall be granted periods of three years upon each subsequent renewal. 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 is determined, based on information submitted to him, that the course of instruction has the facilities and the faculty to afford students and require of students the completion of a program of education which will prepare them for the attainment of a recognized professional, vocational, or educational objective; and the curriculum is consistent in content and quality with curricula offered by established institutions that issue the appropriate degree upon the satisfactory completion thereof. For the purpose of this subdivision the Superintendent of Public Instruction may compare with the requirements and standards of an accrediting agency generally

accepted by the class of institution concerned. This shall include the determination that the course for which the degree is granted achieves its professed or claimed objective for higher education. The provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code shall be applicable to any determination of the Superintendent of Public Instruction made pursuant to this subdivision.

(3) A corporation which has filed with the Superintendent of Public Instruction an affidavit by the president or other head of the corporation, stating that the corporation owns an interest in real or personal property or both real and personal property used exclusively for the purpose of education, of a fair market value of not less than fifty thousand dollars ($50,000). Such affidavit shall be accompanied by an appraisal by a state inheritance tax appraiser appointed for the county in which the institution is located, describing the real or personal property or both, and showing the value of the interest of the corporation therein to be at least fifty thousand dollars ($50,000). The value of the interest of the property required to be owned by the corporation for the purposes of this section shall be deemed to be the appraised value of the interest owned by the corporation less the unpaid balance on any note secured by a mortgage or deed of trust thereon or the unpaid balance on a contract of sale thereof. Such a corporation shall file a statement of "full disclosure" by recording with the county recorder, in the county in which the school operates, an affidavit describing the institutional objectives and proposed methods of achieving them, the curriculum, instruction, faculty (with qualifications), physical facilities, administrative personnel, educational records, tuition and fee schedule, scholastic regulations, diplomas and degrees to be conferred, graduation requirements and financial stability. Certified copies of all statements and affidavits required to be filed by this section shall be forwarded by United States mail to the Department of Education within 48 hours after the filings are made with the county recorder. 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) 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 institution, program or 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.

SEC. 7. Section 29007.2 of the Education Code is repealed.

SEC. 8. 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.

Any contract for or in connection with a course of study with a correspondence school, or representative thereof, shall be voidable at the option of the purchaser if the representative of any person selling or administering such course of study, or the representative of such 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. 9. Section 29007.5 of the Education Code is amended to read:

29007.5. Except as otherwise provided for in this code, no course of education or training leading to an educational, technological, professional or vocational objective shall be offered, and no diploma or honorary degree shall be issued or conferred, by any person, firm, association, partnership, or corporation 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 for a period of one year and shall grant subsequent approvals for periods of three

years 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; or that the course, curriculum, and instruction meet 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) The institution maintains adequate records to show attendance, progress, and grades.

(7) 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.

(8) The institution is financially capable of fulfilling its commitments for its approved courses.

(9) 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.

(10) The institution does not exceed enrollment facilities and equipment.

(11) The institution's administrator, director, owner, and instructors are of good reputation and character.

(12) 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.

Upon completion of training, the institution may award an appropriate written document to the student indicating the training and attendance completed.

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. 10. Section 29007.6 of the Education Code is amended to read:

29007.6. An original application by a person, firm, association, partnership or corporation for approval to grant degrees under Section 29007(a)(2), or for approval of courses or for authorization to issue diplomas under the requirements of Section 29007.5, shall be accompanied by an application fee of one hundred dollars ($100). Applications for renewal for a period of three years shall be accompanied by a fee of one hundred fifty dollars ($150). Applications for approval of a change of ownership of a school shall be accompanied by a fee of one hundred dollars ($100). Requests for approval of a change of location, approval of additional facilities in a new location, approval of a course or curriculum revision, approval of additional courses, approval to grant additional degrees or to issue additional diplomas, and applications for major changes in curriculum and courses, shall be accompanied by a fee of fifty dollars ($50).

Applications for evaluation and approval of directors, administrators and instructors in schools with courses approved or authorized under Sections 29007(a)(2) and 29007.5 shall be accompanied by a fee of eight dollars ($8). This fee shall apply to evaluations and approvals made subsequent to the original application of a school.

Schools filing under Section 29007(a)(3) shall accompany the annual report required by Section 29009 with a fifty dollar ($50) annual filing fee.

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 Edueation prior to their deposit in the State Treasury and shall be nonrefundable irrespective of whether or not approval or authorization is granted.

SEC. 11. Section 29008 of the Education Code is amended to read:

29008. No person, firm, association, partnership, or corporation owning or representing any private school offering training to adults shall:

(a) Make or cause to be made, any statement, or representation, oral, written, or visual, in connection with the offering or publicizing of a course, if such person, firm, association, partnership, or corporation knows, or reasonably should have known, the statement or representation to be false, deceptive, inaccurate or misleading.

(b) Promise or guarantee employment utilizing information, training or skill purported to be provided or otherwise enhanced by a course.

(c) Advertise concerning job availability, degree of skill and length of time required to learn a trade or skill unless the information is accurate and in no way misleading.

(d) Advertise, or indicate in any promotional material, that correspondence instruction, or correspondence courses of study are offered without including in all advertising or promotional material the fact that the instruction or courses of study are offered by correspondence or home study.

(e) Advertise, or indicate in any promotional material, that resident instruction, or courses of study are offered without including in all advertising or promotional material the location where the training is given or the location of the resident instruction.

(f) Solicit students for enrollment by causing any advertisement to be published in "help wanted" columns in a magazine, newspaper, or publication or use "blind" advertising which fails to identify the school.

(g) Advertise in such a way as to lead the reader to the mistaken belief that an offer for employment is being made.

(h) Advertise, or use the word "accredited" or "approved" with respect to itself or the course or courses which it offers unless the word is immediately followed by the complete name of the organization by which it is accredited or approved.

Any person, firm, association, partnership, or corporation willfully violating any provisions of this section shall be unable to enforce any contract or agreement arising from the transaction in which the violation occurred. In addition, in the event of such violation, said person, firm, association, partnership, or corporation shall refund to the student any tuition or fees that have been collected from the student. The student shall be awarded, in addition to the foregoing, any damages that he has sustained.

The judgment rendered in any action maintained for the recovery of fees or damages sustained in accordance with the terms of this section or the judgment rendered in any action defended by a student, shall, if the student is the prevailing party, include court costs, including a reasonable attorney's fee fixed by the court.

The provisions of this section shall supplement and not displace the authority granted the Division of Labor Law Enforcement under Section 1650 of the Labor Code to the extent that placement activities of trade schools are subject to regulation by the division under Section 1649 of the Labor Code.

SEC. 12. Section 29009 of the Education Code is amended to read:

29009. Every corporation meeting the requirements of Section 29007(a)(3) issuing or conferring degrees or honorary degrees shall between the 1st and 31st days of January of each year, commencing on January 1, 1964, file with the Superintendent of Public Instruction an affidavit by the owner, president or other head, setting forth the following information covering the preceding calendar year:

(a) All names, whether real or fictitious, of the corporation under which it has done and is doing business.

(b) The address, including city and street, of every place of doing business of the corporation, within the State of California.

(c) The address, including city and street, of the location of the records of the corporation, and the name and address, including city and street, of the custodian of such records.

(d) The names and addresses, including city and street, of the directors, if any, and principal officers of the corporation.

(e) All degrees, honorary degrees, diplomas, honorary diplomas, and certificates issued by the corporation.

(f) That the records required by Section 29010 are maintained at the address stated, and are true and accurate.

(g) Any change in items included in subdivisions (a) to (f), inclusive, shall be reported to the Superintendent of Public Instruction within 20 days of such change.

SEC. 13. Section 29010 of the Education Code is amended to read:

29010. Any person, firm, association, partnership or corporation, which issues or confers degrees or diplomas or honorary degrees or honorary diplomas shall maintain current records for a period of not less than three years at its principal place of business within the State of California, immediately available during normal business hours, for inspection by the Superintendent of Public Instruction or the Attorney General showing the following:

(a) The names and addresses, both local and home, including city and street, of each of its students.

(b) The courses of study offered by the institution.

(c) The names and addresses, including city and street, of its faculty, together with a record of the educational qualifications of each.

(d) The degrees or diplomas and honorary degrees or honorary diplomas granted; to whom granted; the date of granting; together with the curricula upon which the diplomas and degrees were based.

(e) The Superintendent of Public Instruction shall publish annually for public distribution, and may charge a fee to cover the cost of compilation and printing, a list of all schools of record conferring diplomas and degrees, or otherwise of record. The list shall contain the names and addresses of such institutions together with a notation of the statute section or sections under which the institution has become of record.

SEC. 14. Section 29011 of the Education Code is amended to read:

29011. (a) The Superintendent of Public Instruction and the Attorney General shall take cognizance of the fact that both have definite duties and responsibilities under the provisions of this article.

(b) The Superintendent of Public Instruction shall report any information concerning possible violations of this article to the Attorney General.

(c) The Attorney General shall make such investigations as are necessary to determine whether or not there has been compliance with the provisions of this article.

SEC. 15. Section 29012 of the Education Code is amended to read:

29012. No person, firm, association, partnership or corporation may sell, barter, offer to sell or barter, or conspire to sell or barter, any diploma or degree as defined in this article.

SEC. 16. Section 29013 of the Education Code is amended to read:

29013. No person, firm, association, partnership or corporation may buy, obtain by barter, attempt to buy or obtain by barter, or conspire to obtain by barter or buy, any diploma or degree as defined in this article.

SEC. 17. Section 29015 of the Education Code is amended to read:

29015. No person, firm, association, partnership or corporation may:

(a) Use in connection with a business, trade, profession or occupation, or give or receive;

(b) Attempt to use in connection with a business, trade, profession or occupation, or attempt to give or receive;

(c) Conspire to use in connection with a business, trade, profession or occupation, or conspire to give or receive;

any diploma or degree evidencing the undertaking or completion of any course of study or scholastic achievement attained if, in fact, said course of study has not been undertaken nor completed or if such scholastic achievement has not been attained.

SEC. 18. Section 29017 of the Education Code is amended to read:

29017. The Attorney General is hereby authorized to take such actions as are necessary, including the obtaining of injunctive relief, to enforce the provisions of this article.

SEC. 19. Section 29018 of the Education Code is amended to read:

29018. The Superintendent of Public Instruction and the Department of Education may adopt rules not inconsistent with this article governing exercise of the authority conferred by this article, which rules shall be adopted in accordance with the Administrative Procedure Act.

SEC. 20. 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) 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 or his delegate shall 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 Superintendent of Public Instruction or his delegate 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) 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 him 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) 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 Superintendent of Public Instruction 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.

SEC. 21. Section 29021 of the Education Code is amended to read:

29021. If any section, subsection, sentence, clause or phrase of this article is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this article. The Legislature hereby declares that it would have passed this article, and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses or phrases be declared unconstitutional.

SEC. 22. Section 29022 of the Education Code is amended to read:

29022. It is the intent of this Legislature to encourage privately supported education and protect the integrity of degrees and diplomas conferred by privately supported as well as publicly supported educational institutions.

It is also the intent of the Legislature to encourage the recognition by tax-supported institutions of work completed and degrees and diplomas issued by privately supported institutions, to the end that students may have equal opportunities for equal accomplishment and ability.

In the present period the need for educational services for the youth is so great that it cannot be met by tax-supported institutions alone. The contribution of privately supported educational institutions to the preservation of our liberties is essential. These objectives can best be achieved by protecting the integrity of degrees and diplomas issued by such institutions.

CHAPTER 1569

An act to add Sections 6902.06 and 6902.07 to the Education Code, relating to education of mentally retarded minors.

[Approved by Governor September 20, 1970. Filed with Secretary of State September 20, 1970.]

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

SECTION 1. Section 6902.06 is added to the Education Code, to read:

6902.06. Before any minor is admitted to a special education program for mentally retarded minors established pursuant to this chapter or Article 10 (commencing with Section 895) of Chapter 4 of Division 3, the minor shall be given verbal or nonverbal individual intelligence tests in the primary home language in which the minor is most fluent and has the best speaking ability and capacity to understand. Such tests shall be selected from a list approved by the State Board of Education.

SEC. 2. Section 6902.07 is added to the Education Code, to read:

6902.07. No minor shall be placed in a special education class for the mentally retarded if he scores higher than two standard deviations below the norm, considering the standard measurement of error, on an individual intelligence test selected from a list approved by the State Board of Education. No minor shall be placed in a special education program for the mentally retarded when he is being tested in a language other than English if he scores higher than two standard deviations below the norm, considering the standard measurement of error, on the nonverbal intelligence test or on the nonverbal portion of an individual intelligence test which includes both verbal and nonverbal portions.

A minor may be placed in a special education program for the mentally retarded if he scores two standard deviations, or more, below the norm on an individual intelligence test selected from a list approved by the State Board of Education, providing that a complete psychological examination by a credentialed school psychologist investigating such factors as developmental history, cultural background, and school achievement substantiates the retarded intellectual development indicated by the achieved test scores.

No minor shall be placed in a special education class for the mentally retarded without the written consent of the parent or guardian of the child after a complete explanation of the special education program.

SEC. 3. The Department of Education shall, following each school year during which this act was in effect, submit a report to the Legislature on the results of testing and placement of minors in special education programs for mentally retarded minors.

SEC. 4. Sections 6902.06 and 6902.07, as added to the Education Code by this act, shall be operative commencing on October 1, 1971, and shall remain operative only until September 30, 1973.

CHAPTER 1570

An act to add an article heading to Article 1 (commencing with Section 6750) of Chapter 7.1 of Division 6 of, and to add Article 2 (commencing with Section 6770) to Chapter 7.1 of Division 6 of, the Education Code, relating to educationally handicapped minors.

[Approved by Governor September 20, 1970 Filed with Secretary of State September 20, 1970]

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

SECTION 1. An article heading is added to Article 1 (commencing with Section 6750) of Chapter 7.1 of Division 6 of the Education Code, to read:

Article 1. General Provisions

SEC. 2. Article 2 (commencing with Section 6770) is added to Chapter 7.1 of Division 6 of the Education Code, to read:

Article 2. Education of Certain Educationally Handicapped Minors

6770. With the approval of the Superintendent of Public Instruction, any school district having an educationally handicapped minor as defined by this chapter for whom, because of the severity of the handicap, special education facilities and

services are not available and cannot be reasonably provided under the provisions of this chapter, and for whom the State of California has no appropriate special education facilities and services, may, in lieu of establishing and maintaining the needed special education facilities and services at an unreasonable cost to the district, pay to the parent or guardian of such minor toward the tuition for such minor, enrolled in a public or private nonsectarian school within or outside of California offering the special education facilities and services made necessary by the minor's handicap, an amount not to exceed the sum per unit of average daily attendance of the regular state apportionment to the district for the fiscal year in question, the maximum amount allowable per unit of average daily attendance for excess current expenses under Sections 18060 and 18102, and the amount per unit of average daily attendance provided from revenue derived from district taxation for support of the schools of the district. As used in this article "tuition" includes the cost to the parent or guardian of transporting a minor enrolled in a public or private nonsectarian school under this section to and from school.

6771. A school district having an educationally handicapped minor receiving the benefits of special education facilities and services under the provisions of Section 6770 shall report the attendance of such minor and submit any claim the district may have for the regular and special purpose apportionment to be used in payment to the parent or guardian of such minor toward any tuition arising out of such attendance through the county superintendent of schools to the Superintendent of Public Instruction. The aforementioned report and claim shall be submitted at the time and in the manner prescribed by the Superintendent of Public Instruction. The county superintendent of schools shall verify the attendance reported and claim submitted in the manner prescribed by the Superintendent of Public Instruction.

6772. Upon verification of the attendance reported and the claim submitted, the Superintendent of Public Instruction shall apportion to the school district submitting the report and the claim of the parent or guardian of such minor for the tuition in question an amount sufficient to satisfy the claim but not in excess of the sum per unit of average daily attendance of the regular state apportionment to the district for the fiscal year in question and the maximum amount allowable per unit of average daily attendance for reimbursement of excess current expenses under Sections 18060 and 18102. The apportionments shall be made from the funds reserved under the provisions of subdivision (c) of Section 17303.5 for each fiscal year immediately following the fiscal year in which the attendance occurs and shall not be subject to the provisions of Section 18456.

CHAPTER 1571

An act to amend Section 8352 of the Revenue and Taxation Code, and to add Section 224 to the Agricultural Code, relating to gasoline tax money attributable to agriculture, and making an appropriation.

[Approved by Governor September 20, 1970. Filed with Secretary of State September 20, 1970.]

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

SECTION 1. Section 224 is added to the Agricultural Code, to read:

224. Money transferred by the Controller to the Department of Agriculture Fund from the Motor Vehicle Fuel Fund pursuant to Section 8352 of the Revenue and Taxation Code shall be expended by the Director of Agriculture as follows:

(1) Five hundred thousand dollars ($500,000) of the amount transferred each fiscal year is hereby appropriated for reimbursement for charges for state administrative costs, and for departmental and divisional overhead expense apportioned to the Department of Agriculture Fund.

(2) One million dollars ($1,000,000) each fiscal year is hereby appropriated to be used only for emergency detection, eradication, or research of agricultural plant or animal pests or diseases, during such fiscal year. The Director of Agriculture may expend such funds with the approval of the Director of Finance. At the end of each fiscal year, any unencumbered balance of such funds shall be added to the amount available for payment to counties during the next fiscal year, as provided in subdivision (3).

(3) The total amount transferred during each fiscal year less the amounts provided in subdivisions (1) and (2) is hereby appropriated to be paid to the counties as partial reimbursement for county expenses for carrying out agricultural programs authorized by the Agricultural Code that are supervised by the Department of Agriculture. Such payment shall be apportioned to the counties by the Director of Agriculture in relation to each county's expenditures to the total amount expended by all counties for the preceding fiscal year for such agricultural programs, as determined by the Director of Agriculture. The amount to be transferred to any county for a fiscal year may be increased or decreased by the Director of Agriculture to provide that insofar as such transferred unclaimed refundable gas tax funds for apportionment to the counties are available, no county shall receive smaller combined apportionments of gas taxes and unclaimed refundable gas taxes than such county would have received had the gas taxes been apportioned without the transfer required by subdivision (h) of Section 8352, as determined by the Director of Agriculture, except that the amount of unclaimed refundable gas tax funds to be transferred to any county for a fiscal year may be

increased or decreased by the Director of Agriculture to compensate for incorrect previous transfers to that county.

(4) Such money transferred during the six-month period, July 1, 1970 to December 31, 1970, is hereby appropriated for the purpose provided by paragraph (1) of this section, and the remainder of the money so transferred is hereby appropriated to be paid to the counties for the purposes and as provided by paragraph (3) of this section. Such money transferred for the six-month period, January 1, 1971, to June 30, 1971 is hereby appropriated for the purpose provided by paragraph (2) of this section, and the remainder of the money so transferred is hereby appropriated to be paid to the counties for the purposes and as provided by paragraph (3) of this section.

SEC. 2. Section 8352 of the Revenue and Taxation Code is amended to read:

8352. The money in the Motor Vehicle Fuel Fund is hereby appropriated, subject to the provisions of any budget bill heretofore or hereafter enacted and Section 11006 of the Government Code, as follows:

(a) To pay the refunds authorized in this part, including refunds due on account of judgments for the return of license taxes illegally collected.

(b) To the Controller, to carry out any duties imposed upon him by this part.

(c) To the board, to carry out any duties imposed upon it by this part.

(d) To the Highway Users Tax Fund, as provided in this chapter.

(e) To pay the pro rata share of the overhead and general administrative expense of the Controller and the board attributable to duties imposed by this part. The pro rata share is payable upon presentation of a claim against any appropriation from the Motor Vehicle Fuel Fund for the support of the Controller or the board, as the case may be.

(f) For transfer to the Aeronautics Fund, which fund is hereby created, all moneys in the Motor Vehicle Fuel Fund attributable to the distribution of motor vehicle fuel for use or used in propelling an aircraft in the state, for allocation as follows:

(1) To pay the refunds authorized by Section 8101.5.

(2) To pay the pro rata cost of the Controller and board under subdivisions (b), (c) and (e).

(3) To pay for the support of the Department of Aeronautics.

(4) For transfer of the balance remaining to the Airport Assistance Revolving Fund.

No part of the moneys in the Motor Vehicle Fuel Fund attributable to the distribution of motor vehicle fuel for use or used for propelling an aircraft in the state shall be appropriated, subject to the provisions of any subdivision heretofore or hereafter enacted and Section 11006 of the Government

Code, or allocated, except in accordance with the provisions of this subdivision.

(g) To the Harbors and Watercraft Revolving Fund for expenditure in accordance with the provisions of Division 1 (commencing with Section 30) of the Harbors and Navigation Code, the sum of four million dollars ($4,000,000) per annum, commencing with the 1965–1966 fiscal year, this sum representing the amount of money in the Motor Vehicle Fuel Fund attributable to taxes imposed on distributions of motor vehicle fuel used or usable in propelling vessels. Payments pursuant to this subdivision shall be made prior to payments pursuant to subdivision (d). The Department of Public Works, after consultation with the Department of Harbors and Watercraft, shall prepare or cause to be prepared a report setting forth the current estimate of the amount of money in the Motor Vehicle Fuel Fund attributable to taxes imposed on distributions of motor vehicle fuel used or usable in propelling vessels; and the Department of Public Works shall submit such report to the Legislature on or before the fifth legislative day of the 1970 Regular Session and each four (4) years thereafter.

(h) For transfer to the Department of Agriculture Fund during the second quarter of the 1970–1971 fiscal year the sum of one million seven hundred fifty thousand dollars ($1,750,000). For transfer to the Department of Agriculture Fund during the fourth quarter of the 1970–1971 fiscal year the amount of the estimate contained in the report to be prepared pursuant to this subdivision, that is in excess of any amount previously transferred pursuant to this subdivision during the 1970–1971 fiscal year. For transfer to the Department of Agriculture Fund during the second quarter of the 1971–1972 fiscal year and the second quarter of each fiscal year thereafter an amount equal to the estimate contained in the most recent report prepared pursuant to this subdivision. Such amounts shall not be subject to the provisions of Section 6357 with respect to the collection of sales and use taxes thereon, and represent the portion of receipts in the Motor Vehicle Fuel Fund during a calendar year that were attributable to agricultural off-highway use of motor vehicle fuel which is subject to refund pursuant to Section 8101, less gross refunds allowed by the Controller during the fiscal year ending June 30th following such calendar year to persons entitled to such refunds for agricultural off-highway use pursuant to Section 8101. Payments pursuant to this subdivision shall be made prior to payments pursuant to subdivision (d).

On or before May 31, 1971, and on or before September 30, 1973, and every two years thereafter, the Secretary of the Business and Transportation Agency, and the Secretary of the Agriculture and Services Agency, shall jointly prepare or cause to be prepared a report setting forth the current estimate of the amount of money in the Motor Vehicle Fuel Fund attributable to agricultural off-highway use of motor vehicle fuel, which is

subject to refund pursuant to Section 8101 less gross refunds allowed by the Controller to persons entitled to such refunds for agricultural off-highway use pursuant to Section 8101; and they shall submit a copy of such report to the Legislature.

SEC. 3. In preparing the first report required pursuant to subdivision (h) of Section 8352 of the Revenue and Taxation Code, the assistance of public or private consultants may be obtained to aid in formulating a procedure for ascertaining the unclaimed refundable gasoline tax paid for agricultural off-highway use. Any consultant so selected must be acceptable to both the Departments of Agriculture and Public Works. The State Controller may also provide assistance in the formulation of such procedures. The Department of Public Works is requested to seek federal funds for use in financing such study and for employing such consultant, but failure to receive such funds shall not act to nullify the study.

SEC. 4. If the estimate contained in the report prepared on or before May 31, 1971, pursuant to subdivision (h) of Section 8352 of the Revenue and Taxation Code, is less than the amount transferred to the Department of Agriculture Fund during the second quarter of the 1970–1971 fiscal year, the amount transferred in excess of such estimate shall be retransferred from the Department of Agriculture Fund to the Motor Vehicle Fuel Fund.

CHAPTER 1572

An act to amend Sections 19491.5, 19530, and 19569 of, to add Article 6.5 (commencing with Section 19540) to Chapter 4, Division 8 of, and to repeal Sections 19492, 19496, 19534, 19535, 19561, 19569.5, and 19570 of, the Business and Professions Code, relating to horseracing.

[Approved by Governor September 20, 1970 Filed with Secretary of State September 20, 1970]

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

SECTION 1. Section 19491.5 of the Business and Professions Code is amended to read:

19491.5. Notwithstanding the provisions of subdivision (f) of Section 19491, an association which conducts a horseracing meeting during the preceding year at which the total amount handled in the parimutuel pools operated by the association is not more than one hundred twenty-five million dollars ($125,000,000) shall be exempt from payment of that portion of the license fee provided in subdivision (f) of Section 19491 on the amount handled by it under fifty million dollars ($50,000,000).

SEC. 2. Section 19492 of the Business and Professions Code is repealed.

SEC. 3. Section 19496 of the Business and Professions Code is repealed.

SEC. 4. Section 19530 of the Business and Professions Code is amended to read:

19530. The board shall have the authority to allocate racing weeks to an applicant or applicants pursuant to the provisions of this article and Article 6.5 (commencing with Section 19540) and to specify such dates for horseracing meetings as will be in the public interest and will subserve the purposes of this chapter.

SEC. 5. Section 19534 of the Business and Professions Code is repealed.

SEC. 6. Section 19535 of the Business and Professions Code is repealed.

SEC. 7. Article 6.5 (commencing with Section 19540) is added to Chapter 4 of Division 8 of the Business and Professions Code, to read:

Article 6.5. Fairs and Expositions

19541. In order to encourage and develop the racing of quarter horses, whenever the California State Fair and Exposition or a district or county fair conducts a program of horseraces on which there is parimutuel wagering, it shall, so far as practicable, provide a program of quarter horse racing on the same days that it provides a program of other types of horseracing, if sufficient quarter horses are available to provide competition in one or more quarter horse races.

Such quarter horse events may be in addition to the customary number of thoroughbred or standardbred events.

19542. In order to encourage and develop the racing of Appaloosa horses, whenever the California State Fair and Exposition or a district or county fair conducts a program of horseraces on which there is parimutuel wagering, it shall, so far as practicable, provide a program of Appaloosa horseracing on the same days that it provides a program of other types of horseracing, if sufficient Appaloosa horses are available to provide competition in one or more Appaloosa horseraces.

Such Appaloosa horse events may be in addition to the customary number of thoroughbred, quarter horse, or standardbred events.

19543. In order to encourage and develop the racing of Arabian horses, whenever the California State Fair and Exposition or a district or county fair conducts a program of horseraces on which there is parimutuel wagering, it may provide a program of Arabian horseracing on the same days that it provides a program of other types of horseracing, if sufficient Arabian horses are available to provide competition in one or more Arabian horseraces.

Such Arabian horse events may be in addition to the customary number of thoroughbred, quarter horse or standardbred events.

19544. In order to encourage and develop harness racing, whenever the California State Fair and Exposition or a county or district fair conducts a program of horseraces on which there is parimutuel wagering, it may provide a program of harness racing on the same days that it provides a program of racing in which the horses participating are mounted by jockeys, if sufficient harness horses are available to provide competition in one or more harness races.

19545. Notwithstanding the provisions of subdivision (f) of Section 19491, the California State Fair and Exposition or the California State Exposition and Fair or a county or district agricultural association fair, which conducts a horseracing meeting during the preceding year at which the total amount handled in the parimutuel pools operated by the association is not more than one hundred twenty-five million dollars ($125,000,000) shall be exempt from payment of that portion of the license fee provided in subdivision (f) of Section 19491 on the amount handled by it under fifty million dollars ($50,000,000).

19546. The exempt amount retained by the California State Fair and Exposition or the California State Exposition and Fair or a county or district agricultural association fair, exclusive of that portion deducted as commission pursuant to Section 19596, shall be regularly deposited in a separate account with a depository approved by the board. The funds deposited shall be distributed pursuant to a program mutually agreed upon by the California State Fair and Exposition or the California State Exposition and Fair or a county or district agricultural association fair and the organization representing the horsemen at the association horseracing meeting. If mutual agreement on a program of distribution is not reached the California State Fair and Exposition or the California State Exposition and Fair or a county or district agricultural association fair or such organization, or both, may file during the current horseracing meeting of the qualifying association or within 60 days thereafter, a petition for the use of such funds with the board. The board shall act upon the petition and render its decision as to the use of such funds in consideration of the intent and purpose of this section which is to improve purse distribution.

Within one year following the close of any racing meeting, each qualifying association shall account to the board on the distribution of such funds. All such funds which have not been distributed or set aside for expenditures approved by the board shall be paid into the General Fund of the state.

Sections 19545 and 19546 shall be operative only until December 31, 1972, provided that any amounts authorized for distribution by the board but not actually distributed prior to the termination date of this section shall be distributed as determined by the board, notwithstanding the termination date of this section.

19547. Notwithstanding Section 19490, no deposit shall be required for any horseracing meeting conducted by the California State Fair and Exposition, by a county fair, or by a district agricultural association.

19548. Except as provided in this chapter, no license, tax, or fee shall be assessed against or collected from any county fair or district agricultural association which, directly and not through any private person, conducts a horseracing meeting.

19549. The maximum number of racing days which may be allocated to the California State Fair and Exposition or California State Exposition and Fair or a county or district agricultural association fair shall be 14 days per year in any one county. Such racing days shall be days on which general fair activities are conducted.

19549.5. The maximum number of racing days which may be allocated for Appaloosa or Arabian racing is 100 days. Such racing days shall be concurrent with racing days allocated to quarter horse and harness racing and may be allocated only to the California State Fair and Exposition or California State Exposition and Fair or a county or district agricultural association fair.

SEC. 8. Section 19561 of the Business and Professions Code is repealed.

SEC. 9. Section 19569 of the Business and Professions Code is amended to read:

19569. In order to encourage and develop the racing of quarter horses, whenever the California State Fair and Exposition or the California State Exposition and Fair or a district or county fair conducts a program of horseraces on which there is parimutuel wagering, it shall, so far as practicable, provide a program of quarter horse racing on the same days that it provides a program of other types of horseracing, if sufficient quarter horses are available to provide competition in one or more quarter horse races.

Such quarter horse events may be in addition to the customary number of thoroughbred or standardbred events.

SEC. 10. Section 19569.5 of the Business and Professions Code is repealed.

SEC. 11. Section 19570 of the Business and Professions Code is repealed.

CHAPTER 1573

An act to amend and renumber the heading of Division 21 (commencing with Section 26001) of, to add Division 21 (commencing with Section 26000) to, and to repeal Chapter 1 (commencing with Section 26001), Chapter 2 (commencing with Section 26200), and Chapter 3 (commencing with Section 26450) of, Division 21 of, the Health and Safety Code, relating to public health.

[Approved by Governor September 20, 1970. Filed with Secretary of State September 20, 1970.]

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

SECTION 1. The heading of Division 21 (commencing with Section 26001) of the Health and Safety Code is amended and renumbered to read:

DIVISION 22. MISCELLANEOUS PROVISIONS RELATING TO FOODS, RESTAURANTS, AND HAZARDOUS SUBSTANCES

SEC. 2. Chapter 1 (commencing with Section 26001) of Division 21 of the Health and Safety Code is repealed.

SEC. 3. Chapter 2 (commencing with Section 26200) of Division 21 of the Health and Safety Code is repealed.

SEC. 4. Chapter 3 (commencing with Section 26450) of Division 21 of the Health and Safety Code is repealed.

SEC. 5. Division 21 (commencing with Section 26000) is added to the Health and Safety Code, to read:

DIVISION 21. SHERMAN FOOD, DRUG, AND COSMETIC LAW

CHAPTER 1. DEFINITIONS AND GENERAL PROVISIONS

Article 1. Short Title and Definitions

26000. This division shall be known as the Sherman Food, Drug, and Cosmetic Law.

26001. Unless the context otherwise requires, the definitions set forth in this article govern the construction of this division.

26002. "Advertisement" means any representations, including, but not limited to, statements upon the products, its packages, cartons, and any other container, disseminated in any manner or by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase or use of any food, drug, device, or cosmetic.

26003. "Antibiotic drug" means any drug intended for use by man or other animal and which contains any quantity of any chemical substance which is produced by a micro-organism or the chemically synthesized equivalent and which, in dilute solutions, has the capacity to inhibit or destroy micro-organisms.

26004. "Color additive" means a substance which satisfies both of the following requirements:

(a) It is a dye, pigment, or other substance which is made by a process of synthesis or similar artifice, or which is extracted, isolated, or otherwise derived, with or without intermediate or final change of identity, from a vegetable, animal, mineral, or other source.

(b) When added or applied to a food, drug, device, or cosmetic, or to the human body or any part of the body, it is capable, alone or through reaction with any other substance, of imparting color to the food, drug, device, or cosmetic, or to

the human body or the part of the human body, to which it is added or applied.

The term "color additive" does not include any material which the department, by regulation, determines is used, or intended to be used, solely for a purpose or purposes other than coloring.

The term "color," as used in this section, includes black, white, and intermediate grays.

This section does not apply to any pesticide chemical, soil, or plant nutrient, or other agricultural chemical, solely because of its effect in aiding, retarding, or otherwise affecting, directly or indirectly, the growth or other natural physiological process of produce of the soil and thereby affecting its color, whether before or after harvest.

26005. "Cosmetic" means any article, or its components, which is intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to, the human body, or any part of the human body, for cleansing, beautifying, promoting attractiveness, or altering the appearance.

The term "cosmetic" does not include soap.

26006. "Counterfeit", as used in respect to any food, drug, device, or cosmetic, means a food, drug, device, or cosmetic which bears or whose package or labeling bears, without authorization, the trademark, trade name, or other identifying mark, imprint, or device, or any likeness or trademark, trade name, or other identifying mark, imprint, or device of a manufacturer, processor, packer, or distributor, other than the actual manufacturer, processor, packer, or distributor, or which falsely purports or is represented to be the product of, or to have been packed or distributed by, such other manufacturer, processor, packer, or distributor.

26007. "Department" means the State Department of Public Health.

26008. "Director" means the Director of Public Health.

26009. "Device" means any instrument, apparatus, or contrivance, including any component, part, product, or by-product of a device, or accessory, which is used, or intended for use, for any of the following:

(a) In the diagnosis, cure, mitigation, treatment, or prevention of disease in man or any other animal.

(b) To affect the structure or any function of the body of man or any other animal.

26010. "Drug" means any of the following:

(a) Any article which is recognized in an official compendium.

(b) Any article which is used or intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or any other animal.

(c) Any article other than food, which is used or intended to affect the structure or any function of the body of man or any other animal.

(d) Any article which is used or intended for use as a component of any article designated in subdivision (a), (b), or (c) of this section.

The term "drug" does not include any device.

26011. "Federal act" means the Federal Food, Drug, and Cosmetic Act, as amended (52 Stat. 1040; 21 U.S.C., Sec. 301 et seq.).

26012. "Food" means any of the following:

(a) Any article used or intended for use for food, drink, confection, condiment, or chewing gum by man or other animal.

(b) Any article which is used or intended for use as a component of any article designated in subdivision (a).

26013. "Food additive" means any substance, the intended use of which results or may reasonably be expected to result, directly or indirectly, in such substance becoming a component of the food or otherwise affecting characteristics of the food. This includes any substance or radiation source which is intended for use in producing, manufacturing, packing, treating, packaging, transporting, or holding any food.

The term "food additive" does not include any of the following:

(a) A pesticide chemical in or on a raw agricultural commodity.

(b) A pesticide chemical that is used, or intended for use, in the production, storage, or transportation of any raw agricultural commodity.

(c) A color additive.

(d) Any substance which is used in accordance with a sanction or approval granted prior to the enactment of the Food Additives Amendment of 1958 (72 Stats. 1784), pursuant to the federal act; the Poultry Products Inspection Act (71 Stat. 441; 21 U.S.C., Sec. 451, et seq.); the Meat Inspection Act of March 4, 1907 (34 Stat. 1260), as amended and extended (21 U.S.C., Sec. 71, et seq.); or the Agricultural Code of this state.

26014. "Food and drug inspector" means any authorized agent of the Bureau of Food and Drug of the department, who shall have the powers set forth in Section 216.

26015. "Immediate container" does not include any package liner.

26016. "Label" means a display of written, printed, or graphic matter upon a food, drug, device, or cosmetic or upon its immediate container.

26017. "Labeling" means any label or other written, printed, or graphic matter upon a food, drug, device, or cosmetic or upon its container or wrapper, or which accompanies any food, drug, device, or cosmetic.

26018. "Local health department" means the health department of a city, county, city and county, or local health district which qualifies for state assistance pursuant to Chapter 8 (commencing with Section 1100) of Part 2 of Division

1, or any city health department of a city which has had its own health department for 12 years or more.

26019. "Manufacture" means the preparation, compounding, propagation, processing, or fabrication of any food, drug, device, or cosmetic. The term "manufacture" includes repackaging or otherwise changing the container, wrapper, or labeling of any food, drug, device, or cosmetic in furtherance of the distribution of the food, drug, device, or cosmetic. The term "manufacture" does not include repackaging from a bulk container by a retailer at the time of sale to its ultimate consumer.

26020. "New device" means any of the following:

(a) Any device the composition, construction, or properties of which are such that such device is not generally recognized, among experts qualified by scientific training and experience to evaluate the safety and effectiveness of devices, as having been adequately shown, through scientific investigations to be safe and effective for use under the conditions prescribed, recommended, or suggested in the labeling or advertising thereof.

(b) Any device the composition, construction, or properties of which are such that such device, as a result of such investigation to determine its safety and effectiveness for use under such conditions, has become so recognized, but which has not, otherwise than in such investigations, been used to a material extent or for a material time under such conditions.

26021. "New drug" means either of the following:

(a) Any drug the composition of which is such that such drug is not generally recognized, among experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs, as safe and effective for use under the conditions prescribed, recommended, or suggested in the labeling or advertising thereof.

(b) Any drug the composition of which is such that such drug, as a result of investigations to determine its safety and effectiveness for use under such conditions, has become so recognized, but which has not, otherwise than in such investigations, been used to a material extent or for a material time under such conditions.

26022. "Official compendium" means the latest edition of the United States Pharmacopoeia, the latest edition of the Homeopathic Pharmacopoeia of the United States, or the latest edition of the National Formulary, or any supplement to any of these.

26023 "Package" means any container or wrapper which may be used by a manufacturer, producer, jobber, packer, or dealer for enclosing or containing any food, drug, device, or cosmetic.

The term "package" does not include any of the following:

(a) Any shipping container or outer wrapping which is used solely for the transportation of a food, drug, device, or

cosmetic in bulk quantity to any manufacturer, packer, processor, or wholesale or retail distributor.

(b) Any shipping container or outer wrapping which is used by any retailer to ship or deliver any food, drug, device, or cosmetic to any retail consumer if such container or wrapping bears no printed matter pertaining to any food, drug, device, or cosmetic.

26024. "Person" means any individual, firm, association, organization, partnership, business trust, corporation, or company.

26025. "Pesticide chemical" means any substance which alone, in chemical combination, or in formulation with one or more substances, is an "economic poison" within the meaning of Section 12753 of the Agricultural Code of this state or the Federal Insecticide, Fungicide, and Rodenticide Act (61 Stat. 163; 7 U.S.C., Sec. 135 et seq.), and which is used in the production, storage, or transportation of any raw agricultural commodity.

26026. "Potentially hazardous food" means any food which is capable of supporting growth of infectious or toxicogenic micro-organisms when held at temperatures above 50 degrees Fahrenheit.

26027. "Prescription" means an oral order given individually for the patient for whom prescribed directly from the prescriber to the furnisher or indirectly by means of a written order signed by the prescriber which bears the name and address of the prescriber, the license classification of the prescriber, the name and address of the patient, the name and quantity of drug or device prescribed, the directions for use, and the date of issue.

26028. "Principal display panel" means that part of a label which is most likely to be displayed, presented, shown, or examined under normal and customary conditions of display for retail sale.

26029. "Raw agricultural commodity" means any food in its raw or natural state. It includes, but is not limited to, any fruit that is washed, colored, or otherwise treated in its unpeeled natural form prior to marketing.

26030. "Substantial evidence" means evidence consisting of adequate and well-controlled investigations, including clinical investigations, by experts qualified by scientific training and experience to evaluate the effectiveness of the drug or device involved, on the basis of which it could be fairly and responsibly concluded by such experts that the drug or device will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling, proposed labeling, or advertising of any drug or device.

Article 2. General Provisions

26050. The provisions of this division regarding the selling of any food, drug, device, or cosmetic include, but are not limited to, all of the following:

(a) The manufacture, production, processing, and packing of any food, drug, device, or cosmetic.

(b) The exhibition, offer, possession, or holding of any food, drug, device, or cosmetic for sale, dispensing, giving, supplying, or applying in the conduct of any establishment.

(c) The sale, dispensing, giving, supplying, or applying of any food, drug, device, or cosmetic in the conduct of any establishment.

26051. All regulations pertaining to any food, drug, device, or cosmetic adopted by the department which are in effect on the effective date of this division shall remain in effect until the department adopts regulations pursuant to this division which repeal such regulations.

26052. The provisions of this division shall be so construed as to not be in conflict with the provisions of the Agricultural Code of this state, or with the provisions of the Alcoholic Beverage Control Act, Division 9 (commencing with Section 23000) of the Business and Professions Code, and the rule and regulations adopted pursuant thereto.

CHAPTER 2. ADMINISTRATION

Article 1. Generally

26200. The department shall administer and enforce the provisions of this division.

26201. The director and authorized agents of the department shall have the powers set forth in Sections 106 and 216 of this code.

26202. The department may adopt any regulations which it determines are necessary for the enforcement of this division. The regulations shall be adopted by the department in the manner prescribed by Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code. The department shall, insofar as practicable, make these regulations conform with those adopted under the federal act or by the United States Department of Agriculture or by the Internal Revenue Service of the United States Treasury Department.

26203. Whenever public health or other considerations in this state require, the department may adopt, upon its own motion, or upon the petition of any interested party, regulations which prescribe tolerances, included but not limited to zero tolerances, for poisonous or deleterious substances, food additives, pesticide chemicals, or color additives. The department may also prescribe the conditions under which a food additive or a color additive may be safely used and may grant exemptions for such food additive or color additive when it is to be used solely for investigational or experimental purposes.

A petitioner shall establish, by data submitted to the department, that a necessity exists for such regulation, and that its effect will not be detrimental to the public health. If the data

furnished by the petitioner is not sufficient to allow the department to determine whether such regulation should be adopted, the department may require additional data to be submitted Failure to comply with this requirement shall be sufficient grounds to deny the request.

26204. In adopting regulations, pursuant to Section 26203 of this division, the department shall consider all of the following factors which the petitioner shall furnish:

(a) The name and all pertinent information concerning the poisonous or deleterious substance, food additive, pesticide chemical, or color additive, including its chemical identity and composition, its proposed use, including directions, recommendations, and suggestions, its proposed labeling, and all other relevant data bearing on its physical or other technical effect, and the quantity required to produce such an effect.

(b) The probable composition of any substance which is formed in or on a food, drug, device, or cosmetic resulting from the use of such substance.

(c) The probable consumption and effect of such substance in the diet of man or any other animal.

(d) Safety factors which, in the opinion of qualified experts, are generally recognized as appropriate for the use of animal experimentation data.

(e) Practicable methods of analysis for determining the identity and quantity of all of the following:

(1) Any substance which is in or on the food, drug, device, or cosmetic.

(2) Any substance formed in or on the food, drug, device, or cosmetic because of the use of such substance.

(3) The pure substance and its anticipated breakdown products and impurities.

(f) Facts supporting the contention that the use of such substance will serve a useful purpose.

26205. All pesticide regulations and any amendments to such regulations adopted pursuant to the federal act or the Agricultural Code of this state, which are in effect on the effective date of this division, or which are adopted on or after such date, are the pesticide regulations in this state. The department may, by regulation, prescribe tolerances for pesticides in processed foods in this state whether or not such tolerances are in accordance with the regulations adopted pursuant to the federal act or the Agricultural Code of this state.

26206. All food additive regulations and any amendments to such regulations adopted pursuant to the federal act which are in effect on the effective date of this division, or which are adopted on or after such date, are the food additive regulations of this state. The department may, by regulation, prescribe conditions under which a food additive may be used in this state whether or not such conditions are in accordance with the regulations adopted pursuant to the federal act.

26207. All color additive regulations and any amendments to such regulations adopted pursuant to the federal act, which

are in effect on the effective date of this division, or which are adopted on or after such date, are the color additive regulations of this state. The department may, by regulation, prescribe conditions under which a color additive may be used in this state whether or not such conditions are in accordance with regulations adopted pursuant to the federal act.

26208. All special dietary use regulations and any amendments to such regulations adopted pursuant to the federal act, which are in effect on the effective date of this division, or which are adopted on or after such date, are the special dietary use regulations of this state. If the department finds that it is necessary to inform purchasers of the value of a food for special dietary use, it may adopt any special dietary use regulation, whether or not such regulation is in accordance with the regulations adopted pursuant to the federal act.

26209. All good manufacturing practices regulations for any food, drug, device, or cosmetic and any amendments to such regulations adopted pursuant to the federal act which are in effect on the effective date of this division, or which are adopted on or after such date, are the good manufacturing practices regulations of this state. If the department finds that it is necessary for the protection of consumers, it may adopt interpretative regulations as necessary to define "current good manufacturing practice" as used in this division.

26210. A federal regulation adopted pursuant to this division takes effect in this state 30 days after it becomes effective as a federal regulation. Any person who will be adversely affected by adoption of such federal regulation in this state may, within the 30 days prior to its becoming effective in this state, file with the department, in writing, objections and a request for a hearing. The timely filing of substantial objections to a regulation which has become effective under the federal act, stays the adoption of the regulation in this state.

26211. If no substantial objections are received and no hearing is requested within 30 days after publication of a newly proposed state regulation, it shall take effect on the date set by the department. The effective date shall be at least 60 days after the time for filing objections has expired.

26212. If substantial objections are made to a federal regulation within 30 days prior to its becoming effective in this state or to a proposed regulation within 30 days after it is published, the department, after notice, shall conduct a public hearing to receive evidence on issues raised by the objections. Any interested person or his representative may be heard. The department shall act upon objections by order and shall mail the order to objectors by certified mail as soon after the hearing as practicable. The order shall be based on evidence contained in the record of the hearing. If the order concerns a federal regulation, the department may adopt, rescind, or modify it. If the order concerns a proposed regulation, the department may withdraw it or set an effective date for the

regulation as published or as modified by the order. The effective date shall be at least 60 days after publication of the order.

26213. Hearings authorized or required by this division shall be conducted by the department or such agent as the department may designate for that purpose.

26214. Before any alleged violation of this division is reported to the Attorney General, a district attorney, or a city attorney for the institution of a criminal proceeding, the person against whom this proceeding is contemplated shall be given appropriate notice and an opportunity to show cause why he should not be prosecuted and to present additional facts which may mitigate such action. The showing may be presented either orally or in writing, in person, or by attorney.

Article 3. Inspection and Sampling

26230. For purposes of enforcement of this division, any authorized agent of the department may, upon presenting appropriate credentials and at a reasonable time, do any of the following:

(a) Enter any factory, warehouse, or establishment in which any food, drug, device, or cosmetic is manufactured, packed, or held; enter any vehicle which is being used to transport or hold such food, drug, device, or cosmetic; or enter any place where any food, drug, device, or cosmetic is suspected of being held in violation of this division.

(b) Inspect any factory, warehouse, establishment, vehicle, or place, and all pertinent equipment, raw material, finished and unfinished materials, containers, and labeling in such factory, warehouse, establishment, vehicle, or place. In the case of any factory, warehouse, establishment, or consulting laboratory in which any food, drug, device, or cosmetic is manufactured, packed, or held, inspection shall include any record, file, paper, process, control, and facility which has a bearing on whether the food, drug, device, or cosmetic is adulterated or misbranded, or falsely advertised within the meaning of this division or whether it has been or is being manufactured, packed, transported, sold, or offered for sale in violation of this division.

26231. The inspection authorized by Section 26230 shall not include any of the following:

(a) Financial data.

(b) Sales data, other than shipment data.

(c) Pricing data.

(d) Personnel data, except data as to qualifications of technical and professional personnel.

(e) Research data, except data relating to any new drug or antibiotic drug which is subject to reporting and inspection under this division or the federal act.

26232. An authorized agent of the department may secure any sample or specimen of any food, drug, device, or cosmetic.

If the agent obtains any samples prior to leaving the premises, he shall leave a receipt describing any sample obtained.

26233. An authorized agent of the department shall have access to all records of carriers in commerce relating to the movement in commerce of any food, drug, device, or cosmetic, or the holding of such food, drug, device, or cosmetic during or after such movement, and the quantity, shipper, and consignee of the food, drug, device, or cosmetic. Evidence obtained under this section shall not be used in a criminal prosecution of the person from whom it is obtained. The carrier shall not be subject to the other provisions of this division by reason of their receipt, carriage, holding, or delivery of any food, drug, device, or cosmetic in the usual course of business as carriers.

26234. It is unlawful for any person to refuse to permit entry or inspection, the taking of samples or other evidence, or access to copying of any record as authorized by this division, or to conceal such samples or evidence, or withhold evidence concerning them.

26235. It is unlawful for any person to use his own advantage, or to reveal to any person other than to the director or officers or employees of this department, or to the courts when relevant in any judicial proceeding under this division, any information acquired under authority of this division concerning any method or process which as a trade secret is entitled to protection.

Article 4. Publicity

26250. The department may publish reports summarizing all judgments and court orders which have been rendered under this division, including the nature of the charge and the disposition of the charge.

26251. The department may distribute such information regarding any food, drug, device, or cosmetic as the department considers necessary for the protection of the health and safety of the consumer or for his protection from fraud.

26252. The department may collect, report, or illustrate the results of any investigation of the department.

Chapter 3. Guarantees

26300. No dealer shall be prosecuted under the provisions of this division for a violation concerning any food, drug, device, or cosmetic which is contained in an original, unbroken, and undamaged package which bears the original labeling if all of the following requirements are satisfied:

(a) He has used reasonable care in the storage and handling of such food, drug, device, or cosmetic.

(b) He received such food, drug, device, or cosmetic in the usual channels of trade as first-class merchantable stock and not as seconds or damaged articles or job lots purchased under conditions which indicate that the food, drug, device, or cosmetic was not usual first-class merchandise.

(c) He can produce a guarantee to the effect that the food, drug, device, or cosmetic is not adulterated, misbranded, or falsely advertised, within the meaning of this division, or that it is not a food, drug, device, or cosmetic which, pursuant to the provisions of this division, may not be sold or offered for sale in this state.

26301. The guarantee shall be dated prior to the date of sale of the food, drug, device, or cosmetic and it shall be signed by the wholesaler, jobber, manufacturer, or other person located or residing in this state from whom the dealer received the food, drug, device, or cosmetic in good faith.

26302. A guarantee may be either a general guarantee or a special guarantee and shall be produced prior to the time of reporting an alleged violation to the Attorney General, the district attorney, or a city attorney for prosecution.

26303. A general guarantee shall guarantee without condition or restriction any food, drug, device, or cosmetic which is produced, prepared, compounded, packed, distributed, or sold by the guarantor as not adulterated, mislabeled, misbranded, falsely advertised, or that such article is not an article which by the provisions of this division may not be sold or offered for sale.

26304. A special guarantee shall guarantee in the same manner as a general guarantee the particular food, drug, device, or cosmetic listed in an invoice of the food, drug, device, or cosmetic, and shall be attached to, or shall fully identify, such invoice.

26305. All guarantees shall contain the name and address of the guarantor making the sale of such food, drug, device, or cosmetic. A guarantee shall protect the person only when the food, drug, device, or cosmetic covered by such guarantee remains identical, both as to composition and labeling, with the food, drug, device, or cosmetic as composed and labeled when originally received from the guarantor.

26306. It is unlawful for any person to give a guarantee or undertaking which is false.

26307. If the guarantee is to the effect that the food, drug, device, or cosmetic is not in violation within the meaning of the federal act, it shall be sufficient for all the purposes of this division, and shall have the same force and effect as though it referred to this division, unless, pursuant to this division, the standard for the food, drug, device, or cosmetic concerned is higher than the standard for a like food, drug, device, or cosmetic under the federal act. In that case, the provisions of this division shall prevail over the provisions of the federal act.

CHAPTER 4. PACKAGING, LABELING, AND ADVERTISING

Article 1. Generally

26400. In determining whether the labeling or advertisement of a food, drug, device, or cosmetic is misleading, all

representations made or suggested by statement, word, design, device, sound, or any combination of these, shall be taken into account. The extent to which the labeling or advertising fails to reveal facts concerning the food, drug, device, or cosmetic or consequences of customary use of the food, drug, device, or cosmetic shall also be considered.

26401. The requirement that any word, statement, or other information appear on the label shall not be considered to be complied with unless the word, statement, or other information also appears on the outside container or wapper of the retail package of any food, drug, device, or cosmetic, or is easily legible through the outside container or wrapper.

26402. It is unlawful for any person to forge, counterfeit, simulate, falsely represent, or without proper authority use, any mark, stamp, tag, label, or other identification device which is authorized or required by regulations adopted pursuant to this division or the federal act.

26403. It is unlawful for any person to use on the labeling of any drug or device, or any advertisement relating to any drug or device, any representation or suggestion that an application with respect to such drug or device is effective under Section 26670 or that the drug or device complies with the provisions of that section.

26404. It is unlawful for any manufacturer, packer, or distributor of a prescription drug or device offered for sale in this state to fail to maintain for transmittal or to fail to transmit to any practitioner licensed by applicable state law to administer such drug true and correct copies of all printed matter which is required to be included in any package in which that drug or device is distributed or sold. Nothing in this section shall be construed to exempt any person from any labeling requirement imposed by or under other provisions of this division.

26405. It is unlawful for any person, with the intent to deceive, to place, or cause to be placed upon any food, drug, device, or cosmetic, or its package, the trade name or other identifying mark or imprint of another person or any likeness of the trade name or other identifying mark or imprint of another person.

26406. It is unlawful for any person to sell, dispense, dispose of, hold, or conceal any food, drug, device, or cosmetic or its package, with knowledge that the trade name or other identifying marks, imprint, or likeness of the trade name or other identifying mark or imprint of another person has been placed on such food, drug, device, or cosmetic or its package in a manner prohibited by Section 26405.

26407. It is unlawful for any person to possess, make, sell, dispose of, cause to be made, or conceal any punch, die, plate, or other device which may be used to render a food, drug, device, or cosmetic or its package or labeling a counterfeit.

26408. It is unlawful for any person to do any act which causes any food, drug, device, or cosmetic to be a counterfeit,

or to sell, dispense, or hold for sale or dispensing, any such counterfeit food, drug, device, or cosmetic.

26409. The department may adopt regulations exempting from any labeling or packaging requirements of this division any food, drug, device, or cosmetic which is in accordance with the practice of the trade, to be processed, labeled, or repacked in substantial quantities at establishments other than those where originally processed and packed, on condition that such food, drug, device, or cosmetic is not adulterated or misbranded under the provisions of this division upon removal from such processing, labeling, or repacking establishment. Such food, drug, device, or cosmetic is subject to all other applicable provisions of this division.

All regulations relating to such exemptions which are in effect on the effective date of this division, or which are adopted on or after such date, pursuant to the federal act, are automatically effective in this state. The department may, however, adopt any additional regulations concerning exemptions.

26410. It is unlawful for any person to distribute in commerce any food, drug, device, or cosmetic if its package or labeling does not conform to the provisions of this division or to regulations adopted pursuant to this division. This section does not apply to persons engaged in business as wholesale or retail distributors of foods, drugs, devices, or cosmetics except to the extent that they are engaged in the packaging or labeling of such commodities or they prescribe or specify the manner in which such commodities are packaged or labeled. This section shall not be construed to repeal, invalidate, or supersede any other section of this division.

Article 2. Fair Packaging and Labeling

26430. All labels of foods, drugs, devices, or cosmetics shall conform with the requirements of the declaration of net quantity of contents of Section 4 of the Fair Packaging and Labeling Act (80 Stat. 1296; 15 U.S.C., Sec. 1451) and the regulations adopted pursuant thereto. Foods, drugs, devices, and cosmetics exempted from such requirements of Section 4 of the Fair Packaging and Labeling Act, however, are also exempt from this article.

26431. The label of any package of a food, drug, device, or cosmetic which bears a representation as to the number of servings of the commodity contained in the package shall bear a statement of the net quantity, in terms of weight, measure, or numerical count, of each such serving.

26432. It is unlawful for any person to distribute, or cause to be distributed, in commerce any packaged food, drug, device, or cosmetic if any qualifying words or phrases appear in conjunction with the separate statement of the net quantity of contents required by Section 26430.

This section, however, does not prohibit supplemental statements, at other places on the package, describing in nonde-

ceptive terms the net quantity of contents. 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.

26433. Whenever the department determines that regulations containing prohibitions or requirements, other than those prescribed by Section 26430, are necessary to prevent the deception of consumers or to facilitate value comparisons as to any food, drug, device, or cosmetic, the department shall adopt regulations with respect to that commodity.

26434. The department may establish and define standards for the characterization of the size of a package which encloses any food, drug, device, or cosmetic, which may be used to supplement the label statement of net quantity of contents of packages containing such commodity. This section, however, does not authorize any limitation on the size, shape, weight, dimension, or number of packages which may be used to enclose any food, drug, device, or cosmetic.

26435. The department may regulate the placement upon any package which contains any food, drug, device, or cosmetic or upon any label affixed to such article, of any printed matter stating or representing by implication that such article is offered for retail sale at a price lower than the ordinary and customary retail sale price or that a retail sale price advantage is accorded to any purchaser of such article by reason of the size of that package or the quantity of its contents.

26436. The department may require that the label on each package of a food, drug, device, or cosmetic bear the common or usual name of such article, if any, and in case such article consists of two or more ingredients, the common or usual name of each ingredient listed in order of decreasing predominance by weight. This section, however, does not require that any trade secret be divulged.

26437. The department may prohibit the nonfunctional slack fill of packages containing any food, drug, device, or cosmetic.

As used in this section, "nonfunctional slack-filled" means that a package is filled to substantially less than its capacity for any reason other than any of the following:

(a) Protection of the contents of such package.

(b) The requirements of machines used for enclosing the contents in such package.

26438. All regulations and their amendments pertaining to foods, drugs, devices, and cosmetics which are in effect on the effective date of this division, or which are adopted on or after that date, pursuant to the Fair Packaging and Labeling Act (80 Stat. 1296; 15 U.S.C., Sec. 1451 et seq.) shall be the regulations of this state. The department may, when necessary, prescribe any packaging and labeling regulation for foods, drugs, devices, and cosmetics whether or not such regulation is in accordance with regulations adopted under the

Fair Packaging and Labeling Act. No regulations shall be adopted which are contrary to the labeling requirements for the net quantity of contents required pursuant to Section 4 of the Federal Fair Packaging and Labeling Act and the regulations adopted pursuant to that section.

Article 3. Advertising

26460. It is unlawful for any person to disseminate any false advertisement of any food, drug, device, or cosmetic. An advertisement is false if it is false or misleading in any particular.

26461. It is unlawful for any person to manufacture, sell, deliver, hold, or offer for sale any food, drug, device, or cosmetic that is falsely advertised.

26462. It is unlawful for any person to receive in commerce any food, drug, device, or cosmetic that is falsely advertised or to deliver or proffer for delivery any such food, drug, device, or cosmetic.

26463. It is unlawful for any person to advertise any drug or device represented to have any effect in any of the following conditions, disorders, or diseases:

(a) Appendicitis.
(b) Blood disorders.
(c) Bone or joint diseases.
(d) Kidney disease or disorders.
(e) Cancer.
(f) Carbuncles.
(g) Disease, disorder, or condition of the eye.
(h) Diabetes.
(i) Diphtheria.
(j) Gall bladder disease or disorder.
(k) Heart and vascular diseases.
(*l*) High blood pressure.
(m) Diseases or disorders of the ear or auditory apparatus, including hearing loss and deafness.
(n) Measles.
(o) Meningitis.
(p) Mental disease or mental retardation.
(q) Paralysis.
(r) Pneumonia.
(s) Poliomyelitis.
(t) Prostate gland disorders.
(u) Conditions of the scalp, hair loss, or baldness.
(v) Alcoholism.
(w) Peridontal diseases.
(x) Epilepsy.
(y) Goiter.
(z) Endocrine disorders.
(aa) Sexual impotence.
(ab) Sinus infection.
(ac) Encephalitis.
(ad) Tumors.

(ae) Venereal disease.
(af) Tuberculosis.
(ag) Ulcers of the stomach.
(ah) Varicose ulcers.
(ai) Scarlet fever.
(aj) Typhoid fever.
(ak) Whooping cough.

26464. An advertisement which is not unlawful under Section 26460 is not unlawful under Section 26463 if it is disseminated only to members of the medical, dental, pharmaceutical, or veterinary professions, or appears only in the scientific periodicals of these professions, or is disseminated only for the purpose of public health education by persons not commercially interested, directly or indirectly, in the sale of such drugs or devices.

26465. Whenever the department determines that an advance in medical science has made any type of self-medication safe and effective as to any of the conditions, disorders, or diseases named in Section 26463, the department shall, by regulation, authorize the advertisement of any such drug or device as having a curative or therapeutic effect for such disease, subject to such conditions and restrictions as the department may consider necessary to the interests of public health.

26466. Section 26463 shall not be construed as indicating that self-medication for conditions, disorders, or diseases other than those named is safe or efficacious.

26467. 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 food, drug, device, or cosmetic to which a false advertisement relates, shall be liable under this article for the dissemination of such false advertisement, unless he has refused to furnish the department with the name and address of the manufacturer, packer, distributor, seller, or advertising agency, residing in this state who caused him to disseminate such advertisement.

CHAPTER 5. FOOD

Article 1. Generally

26500. Beer, which is subject to the Alcoholic Beverage Control Act, Division 9 (commencing with Section 23000) of the Business and Professions Code, shall only be subject to the provisions of this chapter which relate to adulteration and misbranding.

26501. Whenever the department finds that a class of food distributed in this state may, by reason of contamination with micro-organisms during manufacture, packing, or storage, be injurious to the health of any man or other animal that consumes it and that the injurious nature cannot be adequately determined after this food has entered commerce, the department shall adopt regulations providing for the issuance of permits to manufacturers, processors, or packers of such class

of food. These permits shall establish conditions governing the manufacture, packing, or storage of such class of food for such period of time as may be necessary to protect the public health. The regulations shall prescribe a date after which no person shall introduce or deliver for introduction into commerce any food manufactured, packed, or stored by any manufacturer, processor, or packer, unless such person holds a permit issued by the department as provided by such regulations.

26502. The department may suspend immediately, upon written or oral notice, any permit issued pursuant to Section 26501 if it is found that any of the conditions of such permit have been violated. The holder of a permit so suspended may at any time apply for reinstatement of such permit. The department shall, after prompt hearing and inspection of the establishment, reinstate such permit immediately, if it is found that adequate measures have been taken to comply with and maintain the conditions of the permit.

26503. Any authorized agent of the department shall have access to any factory or establishment which operates under permit from the department for the purpose of ascertaining whether or not the conditions of the permit are being complied with. Denial of access for such inspection shall be grounds for suspension of the permit until such access is freely given by the holder of the permit or his agent.

26504. Any added poisonous or deleterious substance, or any food additive, pesticide chemical, preservative, or color additive, shall be considered unsafe for use with respect to any food unless there is in effect a regulation adopted pursuant to Section 26205, 26206, or 26207, which limits the quantity and the use, or intended use, of such substance to the terms prescribed by such regulation.

Article 2. Standard of Identity, Quantity, and Fill

26510. Definitions and standards of identity, quality, and fill of container, and any amendments to such definitions and standards, adopted pursuant to the federal act which are in effect on the effective date of this division, or which are adopted on or after that date, are the definitions and standards of identity, quality, and fill of container in this state. The department may, by regulation, establish definitions and standards of identity, quality, and fill of container for any food whether or not such definitions and standards are in accordance with the federal regulations, when in its judgment such action will promote honesty and fair dealing in the interest of consumers. The provisions of this section shall not apply to wine.

26512. In prescribing a definition and standard of identity for any food or class of food in which optional ingredients are permitted, the department shall designate the optional ingredients which shall be named on the label. The provision of this section shall not apply to wine.

26513. A temporary permit which is granted by the Food and Drug Administration of the Department of Health, Edu-

cation and Welfare of the United States for interstate shipment of experimental packs of food which vary from the requirements of federal definitions and standards of identity is automatically effective in this state under the provisions provided in the permit. The department shall issue such a permit when no federal permit exists and when the experimental packs are to be manufactured and tested only within this state. Such permit is subject to any term or condition which the department may prescribe.

26514. Definitions and standards of identity and quality for distilled spirits and their amendments adopted by the Internal Revenue Service of the Treasury Department of the United States which are in effect on the effective date of this division, or which are adopted on or after such date, are the definitions and standards of identity and quality for distilled spirits in this state. The department may, by regulation, establish definitions and standards of identity and quality for any distilled spirit whether or not such definitions and standards are in accordance with regulations adopted by the Internal Revenue Service of the Treasury Department of the United States, when in its judgment such action will promote honesty and fair dealing in the interest of the consumers.

26515. The department may, by regulation, establish definitions and standards of identity and quality for wine. Such definitions and standards may incorporate in whole or in part, the regulations adopted by the Internal Revenue Service of the Treasury Department of the United States, pertaining to the standards of identity and quality for wine. Standards of identity and quality for wine adopted pursuant to this section may differ from or be inconsistent with the standards promulgated by the Internal Revenue Service of the Treasury of the United States. No standard of size, type, or fill of container for any wine which is subject to the provisions of the Alcoholic Beverage Control Act, Division 9 (commencing with Section 23000) of the Business and Professions Code, shall be adopted.

Article 3. Adulterated Food

26520. Any food is adulterated if it bears or contains any poisonous or deleterious substance which may render it injurious to health of man or any other animal that may consume it. The food is not considered adulterated if the substance is a naturally occurring substance and if the quantity of such substance in the food does not render it injurious to health.

26521. Any food is adulterated if it bears or contains any added poisonous or deleterious substance which is unsafe within the meaning of Section 26504.

26522. Any food is adulterated if it is, bears, or contains any food additive which is unsafe within the meaning of Section 26504. If, however, a pesticide chemical has been used in or on a raw agricultural commodity in conformity with an

exemption granted or a tolerance prescribed under this division or the Agricultural Code and the raw agricultural commodity has been subject to processing, such as canning, cooking, freezing, dehydrating, or milling, the residue of such pesticide chemical remaining in or on such processed food shall not be deemed unsafe if the residue in or on the raw agricultural commodity has been removed to the extent possible in good manufacturing practice, and the concentration of the residue in the processed food when ready to eat is not greater than the tolerance prescribed for the raw agricultural commodity.

26523. Any food is adulterated if it consists in whole or in part of any diseased, contaminated, filthy, putrid, or decomposed substance, or if is otherwise unfit for food.

26524. Any food is adulterated 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 unwholesome, diseased, or injurious to health.

26525. Any food is adulterated if it is, in whole or in part, the product of any diseased animal, any animal which has died otherwise than by slaughter, or any animal that has been fed on the uncooked offal from a slaughterhouse.

26526. Any food is adulterated if its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health.

26527. Any food is adulterated if it has been intentionally subjected to ionizing radiation unless the use of the radiation was in conformity with a regulation or exemption in effect pursuant to Section 26203.

26528. Any food is adulterated if any one of the following conditions exist:

(a) If any valuable constituent has been in whole or in part omitted or abstracted therefrom.

(b) If any substance has been substituted wholly or in part therefor.

(c) If damage or inferiority has been concealed in any manner.

(d) 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.

26529. Any food is adulterated if it is confectionery and any one of the following conditions exist:

(a) It has partially or completely embedded therein any nonnutritive object, provided that this subdivision shall not apply in the case of any nonnutritive object if, in the judgment of the department as provided by regulation, such object is of practical functional value to the confectionery product and would not render the product injurious or hazardous to health.

(b) It bears or contains any alcohol other than alcohol not in excess of ½ per centum by volume derived solely from the use of flavoring extracts.

(c) It bears or contains any nonnutritive substance, provided that this subdivision shall not apply to a safe nonnutritive substance which is in or on confectionery by reason of its use for some practical functional purpose in the manufacture, packaging, or storage of such confectionery if the use of the substance does not promote deception of the consumer or otherwise result in adulteration or misbranding in violation of any provision of this act; and provided further that the department may, for the purpose of avoiding or resolving uncertainty as to the application of this clause, issue regulations allowing or prohibiting the use of particular nonnutritive substances.

26530. Any food is adulterated if it bears or contains any color additive which is unsafe within the meaning of Section 26504.

26531. Any food is adulterated if it is fresh meat and it contains any preservative or other chemical substance which is not approved for use in fresh meat by the department, the United States Department of Agriculture, or the Department of Agriculture of this state.

26532. Any food is adulterated if it is chopped or ground beef or hamburger unless it is composed of voluntary striated muscle of fresh beef which does not contain any substance that is not approved by the department and unless it has a total fat content which is not in excess of 30 percent by weight.

26533. Any food is adulterated if it is pork sausage or breakfast sausage and it has a total fat content which is in excess of 50 percent by weight.

26533.5. The methods of analysis used in determining the fat content of products described in Sections 26532 and 26533 shall be those prescribed by the current issue of "Official and Tentative Methods of Analysis of the Association of Official Analytical Chemists," and the supplements thereto.

26534. It is unlawful for any person to manufacture, sell, deliver, hold, or offer for sale any food that is adulterated.

26535. It is unlawful for any person to adulterate any food.

26536. It is unlawful for any person to receive in commerce any food that is adulterated or to deliver or proffer for delivery any such food.

26537. While any regulation relating to a substance referred to in Section 26205, 26206, or 26207 is in effect, any food bearing or containing such substance in accordance with such regulation shall not be considered to be adulterated.

26540. This article does not prohibit the addition of fluorine or fluorine compounds to water intended for sale to the public as bottled water for domestic use in such manner and to such extent as may be approved by the department. The

label of such bottled water shall, however, satisfy all of the labeling requirements prescribed by this division.

26541. Any food intended for export shall not be deemed to be adulterated within the provisions of this division if it satisfies all of the following requirements:

(a) It accords to the specifications of the foreign purchaser.

(b) It is not in conflict with the laws of the importing country.

(c) It is labeled on the outside of the shipping package to show that it is intended for export.

If such article is sold or offered for sale in domestic commerce, this section shall not exempt it from any of the provisions of this division.

Article 4. Misbranded Food

26550. Any food is misbranded if its labeling is false or misleading in any particular.

26551. Any food is misbranded if its labeling or packaging does not conform to the requirements of Chapter 4 (commencing with Section 26400) of this division.

26552. Any food is misbranded if it is offered for sale under the name of another food, or if it is an imitation of another food for which a definition and standard of identity has been established by regulation and its label does not bear, in type of uniform size and prominence the word "imitation," and immediately following, the name of the food imitated.

26553. Any food is misbranded if its container is so made, formed, or filled as to be misleading.

26554. Any food is misbranded if it is a potentially hazardous processed food which is preserved by refrigeration at temperatures of 50 degrees Fahrenheit or lower and it is not conspicuously labeled "Perishable Keep Refrigerated."

26555. Any food is misbranded if any word, statement, or other information required pursuant to this division to appear on the label or labeling is not prominently placed upon the label or labeling with such conspicuousness, as compared with other words, statements, designs, or devices 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.

26556. Any food is misbranded if it purports to be, or is represented as, a food for which a definition and standard of identity has been established under Section 26510 and the label fails to bear the name of the food specified in the standard or otherwise fails to conform to such definition and standard.

26557. Any food is misbranded if it purports to be, or is represented as a food for which a standard of quality or fill has been prescribed by regulation under Section 26510 and its quality or fill is below such standard unless its label bears, in such manner and form as specified by regulation, a statement that it is below such standard.

26558. Any food for which no standard of identity exists is misbranded unless it bears a label clearly stating the common or usual name of the food.

26559. Any food for which no standard of identity exists is misbranded if it is fabricated from two or more ingredients, unless it bears a label clearly stating the common or usual name of each ingredient in descending order of predominance by weight. Any spice, flavoring, or coloring, except any spice, flavoring, or coloring sold as such, may be designated as spice, flavoring, or coloring without naming each.

Exemptions may be established by the department, when compliance with any requirement of this section is impractical or results in deception or unfair competition.

26560. The requirements of Sections 26558 and 26559 do not apply to any food which is packaged at the direction of retail purchasers at the time of sale if the ingredients are disclosed to the purchasers by other means in accordance with the regulations adopted by the department.

26561. Any food is misbranded if it purports to be, or is represented, for special dietary uses as prescribed by regulation under Section 26208 and its label does not bear information concerning any vitamin or mineral content, or other dietary property as the department prescribes, by regulation, as necessary to fully inform purchasers as to the food's value for such use.

26562. Any food is misbranded if it bears or contains any artificial flavoring, artificial coloring, or chemical preservative, unless its labeling states that fact. Exemptions may be established by the department.

26563. Any food is misbranded if it is intended as a component of another food and when used in accordance with the directions of the purveyor, it will result in the final food being adulterated or misbranded.

26564. Any food is misbranded if it is a color additive and it is not in conformity with the requirements for color additives prescribed under the provisions of Section 26207.

26565. It is unlawful for any person to manufacture, sell, deliver, hold, or offer for sale any food that is misbranded.

26566. It is unlawful for any person to misbrand any food.

26567. It is unlawful for any person to receive in commerce any food that is misbranded or to deliver or proffer for delivery any such food.

26568. It is unlawful for any person to alter, multilate, destroy, obliterate, or remove the label, or any part of the labeling, of any food if such act results in the food being misbranded.

26569. Any food intended for export shall not be deemed to be misbranded under this division if it satisfies all of the following requirements:

(a) It accords to the specifications of the foreign purchaser.

(b) It is not in conflict with the laws of the importing country.

(c) It is labeled on the outside of the shipping package to show that it is intended for export.

If such article is sold or offered for sale in domestic commerce, this section shall not exempt it from any of the provisions of this division.

Article 5. Potentially Hazardous Food

26570. It is unlawful for any person to hold or display any potentially hazardous refrigerated food at any temperature above 50 degrees Fahrenheit.

Article 6. Local Enforcement

26580. "Health officer," as used in this article, means the health officer appointed by a county board of supervisors pursuant to Section 451, by the governing body of a city pursuant to Section 502, by the governing body of a city and county, or by a local health district board pursuant to former Section 940, which is continued in effect as to any existing district by Section 3 of Chapter 380 of the Statutes of 1959.

26581. The department, upon the request of a health officer, may authorize the local health department of a city, county, city and county, or local health district to enforce this division, and the rules and regulations adopted pursuant to this division which pertain to retail food establishments, as defined by regulation, if the department determines that the local health department has sufficient personnel with adequate training to do so. The enforcement shall be limited to the area under the jurisdiction of the local health department.

26582. The department may revoke any authorization made pursuant to this article, if it determines, after a hearing conducted pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code that the local health department authorized pursuant to this article is not enforcing this division or the rules and regulations adopted pursuant to this division, or no longer has an adequate staff qualified to do so.

26583. A local health department which is authorized by the department to enforce this division may make inspections, take samples, make laboratory examinations, impose and remove embargoes, hold informal hearings, certify facts to the district attorney, and institute proceedings for the forfeiture, condemnation, and destruction of food found to be adulterated or misbranded. Such action shall be instituted in the name of the city, county, city and county, or district of which such health department is a part, and shall conform to the requirements of this division and the rules and regulations adopted by the department pursuant to this division.

26584. For the purposes of this article, the health officer and his deputies shall have the same powers and authority as an inspector of the Bureau of Food and Drug of the department.

26585. When an examination or analysis made pursuant to this division shows that any provision of this chapter has been violated, written notice of that fact together with a copy of the findings shall be furnished to each party from whom the sample was obtained, or who issued the product guarantee.

26586. The health officer shall set a time for an informal hearing, at which the parties may be heard before him or his representatives. A notice in writing shall be served upon the interested parties at least 15 days prior to such hearing. The informal hearing shall be private and limited to questions of fact. Appearances may be made in person or by attorney. Testimony may be taken and evidence introduced as to the correctness of the findings made by the person making the examination or performing the analysis.

26587. If the examination or analysis is found to be correct, or if any party fails to appear after notice has been duly given, the health officer may certify the facts found to the district attorney of the county. No publication shall be made until after the hearing is concluded.

26588. The provisions of this article shall not be construed as repealing, either directly or by implication, any of the existing sections of this chapter, but shall be construed as constituting an alternative method of enforcing the provisions of this division.

26589. The provisions of this article shall not affect any previous authorization by the department to a local health department of a county, city, or city and county to enforce provisions of this division.

26590. The department may adopt such regulations relating to the operation of a local health department as it considers necessary to fully affect the provisions of this article, including but not limited to, requirements relating to reporting of activities and the numbers and qualification of personnel.

CHAPTER 6. DRUGS AND DEVICES

Article 1. Generally

26600. As used in this chapter, with respect to a drug or drug ingredient, "established name" means either of the following:

(a) The name designated pursuant to Section 508 of the federal act (21 U.S.C., Sec. 358).

(b) If there is no such name and the drug or ingredient is an article recognized in an official compendium, then the official title in the compendium is the established name.

If neither subdivision (a) or (b) of this section applies, the common or usual name, if any, of such drug or of such ingredient is the established name. When an article is recognized in the United States Pharmacopoeia and in the Homeopathic Pharmacopoeia under different official titles, the official title used in the United States Pharmacopoeia shall apply unless it

is labeled and offered for sale as a homeopathic drug. If it is labeled and offered for sale as a homeopathic drug, the official title used in the Homeopathic Pharmacopoeia shall apply.

26601. Any drug represented in its labeling or advertisement as an antiseptic shall be considered to be represented as a germicide, except in the case of a drug which is purported to be or represented as, an antiseptic for inhibitory use as a wet dressing, ointment, dusting powder, or other use involving prolonged contact with the body.

26602. Whenever a drug is recognized in both the United States Pharmacopoeia and the Homeopathic Pharmacopoeia of the United States, it shall be subject to the requirements of the United States Pharmacopoeia unless it is labeled and offered for sale as a homeopathic drug. If it is labeled and offered for sale as a homeopathic drug, it shall be subject to the provisions of the Homeopathic Pharmacopoeia of the United States and not to those of the United States Pharmacopoeia.

26603. Any added poisonous or deleterious substance, or color additive, shall be considered unsafe for use with respect to any drug or device unless there is in effect a regulation adopted pursuant to Section 26207 which prescribes its use in or on drugs or devices.

26604. There is an advisory committee on drug manufacturing under the jurisdiction of the department. This committee shall consist of five members appointed for four-year terms. Three members shall be appointed by the Governor, one member shall be appointed by the Speaker of the Assembly, and one member shall be appointed by the Senate Committee on Rules. Each member shall be a representative from the drug manufacturing industry.

The committee shall advise the department on all matters concerning the drug manufacturing industry for the purpose of insuring the purity, safety, and efficacy of drugs.

Article 2. Adulterated Drugs or Devices

26610. Any drug or device is adulterated if it consists, in whole or in part, of any filthy, putrid, or decomposed substance.

26611. Any drug or device is adulterated if it has been produced, prepared, packed, or held under conditions whereby it may have been contaminated with filth, or whereby it may have been rendered injurious to health.

26612. Any drug or device is adulterated if the methods, facilities, or controls used for its manufacture, processing, packing, or holding do not conform to, or are not operated or administered in conformity with current good manufacturing practice to assure that the drug or device meets the requirements of this division as to safety and has the identity and strength, and meets the quality and purity characteristics which it purports or is represented to possess.

26613. Any drug or device is adulterated if it is packaged and its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health.

26614. Any drug or device is adulterated if it bears or contains for the purpose of coloring only a color additive which is unsafe within the meaning of Section 26603.

26615 Any drug or device is adulterated if it is a color additive, the intended use of which in or on drugs or devices is for the purpose of coloring only, and it is unsafe within the meaning of Section 26603.

26616. Any drug is adulterated if it purports to be, or is represented as, a drug which is recognized in an official compendium, and its strength differs from, or its quality or purity falls below, the standards set forth in such compendium. Such determination as to strength, quality, or purity shall be made in accordance with the tests or methods of assay set forth in such compendium, or in the absence of or inadequacy of such tests or methods of assay, those prescribed under authority of this division. No drug defined in an official compendium shall be deemed to be adulterated under this section because it differs from the standard of strength, quality, or purity set forth in such compendium, if its difference in strength, quality, or purity from such standard is plainly stated on the label.

26617. Any drug or device is adulterated if its strength differs from, or its purity or quality is below, that which it is represented to possess.

26618. Any drug or device is adulterated if any substance has been mixed or packed with it so as to reduce its quality or strength or if any substance has been substituted, wholly or in part, for the drug or device.

26619. It is unlawful for any person to manufacture, sell, deliver, hold, or offer for sale any drug or device that is adulterated.

26620. It is unlawful for any person to adulterate any drug or device.

26621. It is unlawful for any person to receive in commerce any drug or device that is adulterated or to deliver or proffer for delivery any such drug.

26622. While any regulation described in Section 26207 relating to any color additive is in effect, any drug or device which bears or contains such color additive in accordance with such regulation shall not be considered adulterated.

26623. Any drug or device intended for export shall not be deemed to be adulterated under this division if it satisfies all of the following requirements:

(a) It accords to the specifications of the foreign purchaser.

(b) It is not in conflict with the laws of the importing country.

(c) It is labeled on the outside of the shipping package to show that it is intended for export.

If such article is sold or offered for sale in domestic commerce, this section shall not exempt it from any of the provisions of this division.

Article 3. Misbranded Drugs or Devices

26630. Any drug or device is misbranded if its labeling is false or misleading in any particular.

26631. Any drug or device is misbranded if its labeling or packaging does not conform to the requirements of Chapter 4 (commencing with Section 26400) of this division.

26632. Any drug or device is misbranded unless it bears a label containing all of the following information:

(a) The name and place of business of the manufacturer, packer, or distributor.

(b) An accurate statement of the quantity of the contents in terms of weight, measure, or numerical count.

Reasonable variations from the requirements of subdivision (b) shall be permitted. Requirements for placement and prominence of such information and exemptions as to small packages shall be established in accordance with regulations adopted pursuant to Section 26438.

26633. Any drug or device is misbranded if any word, statement, or other information required by or under this division to appear on the label or labeling is not prominently placed on the label or labeling with such conspicuousness, as compared with other words, statements, designs, or devices 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.

26634. Any drug is misbranded if it is for use by man and contains any quantity of the narcotic or hypnotic substances alpha-eucaine, barbituric acid, beta-eucaine, bromal, cannabis, carbromal, chloral, coca, cocaine, codeine, heroin, marijuana, morphine, opium, paraldehyde, peyote, or sulfonmethane; or any chemical derivative of such substances which derivative, after investigation, has been found to be and designated as habit forming, by regulations adopted by the department, unless its label bears the name and quantity or proportion of such substance or derivative and in juxtaposition therewith the statement, "Warning—may be habit forming."

Regulations designating habit-forming drugs issued pursuant to Section 502(d) of the federal act (21 U.S.C., Sec. 352(d)) are the regulations designating habit-forming drugs in this state. However, the department may, by regulation, designate habit-forming drugs whether or not such habit-forming drugs are in accordance with the regulations adopted under the federal act.

26635. (a) Any drug is misbranded unless its label bears, to the exclusion of any other nonproprietary name except the applicable, systematic chemical name or the chemical formula, all of the following information:

(1) The established name of the drug, if any.

(2) If it is fabricated from two or more ingredients, the established name and quantity of each active ingredient, including the kind and quantity or proportion of any alcohol, and also including, whether active or not, the established name and quantity or proportion of any bromides, ether, chloroform, acetanilid, acetphenetidin, antipyrine, atropine, hyoscine, hyoscyamine, codeine arsenic, digitalis, digitalis glycosides, mercury, ouabain, strophanthin, strychnine, barbituric acid, or any derivative or preparation of any such substances contained therein.

(b) The requirement for stating the quantity of the active ingredients of any drug, including the quantity of any bromides, ether, chloroform, acetanilid, acetphenetidin, antipyrine, atropine, hyoscine, hyoscyamine, codeine, arsenic, digitalis, digitalis glycosides, mercury, ouabain, strophanthin, strychnine, barbituric acid, or any derivative or preparation of any such substances contained therein, shall apply to all drugs, including prescription drugs and nonprescription drugs; provided that for nonprescription drugs, and except as to the quantity of the ingredients specifically named in this subdivision which are required to be stated on the label, this requirement shall be satisfied by either stating such quantities on the label of the drug or by filing a statement of such quantities with the department. When such a statement is filed with the department, it shall make the information provided therein available to local public and private health agencies, poison control centers, licentiates of the healing arts, the California State Board of Pharmacy, and others, to promote the purposes of this requirement. The department may exempt any nonprescription drug from the requirement of stating the quantity of the active ingredients, other than those specifically named in this subdivision, upon a showing by the applicant through evidence satisfactory to the department that the granting of the exemption will not endanger the public health. For any prescription drug the established name of such drug or ingredient, as the case may be, on such label and on any labeling on which a name for such drug or ingredient is used shall be printed prominently and in type at least half as large as that used thereon for any proprietary name or designation for such drug or ingredient.

This section shall not apply to any drug shipped by a manufacturer or packer to a retailer or wholesaler before the operative date of this section. Any such drugs so shipped shall comply with the provisions of this section on and after July 1, 1973.

(c) The department may establish regulations requiring an applicant for an exemption pursuant to subdivision (b) of this section to pay a reasonable fee not to exceed one hundred dollars ($100).

26636. Any drug subject to Section 26660 is misbranded unless the manufacturer, packer, or distributor of the drug includes, in all advertisements and other descriptive matter

issued or caused to be issued by the manufacturer, packer, or distributor with respect to that drug, a true statement of all of the following:

(a) The established name, printed prominently and in a type at least half as large as that used for any proprietary name of the drug

(b) The formula showing quantitatively each ingredient of the drug to the extent required for labels under Section 26635.

(c) Such other information, in brief summary relating to side effects, contraindications, and effectiveness as shall be required by regulations promulgated by the department.

Regulations relating to side effects, contraindications, and effectiveness issued pursuant to Section 502(n) of the federal act (21 U.S.C. Sec. 352(n)) are the regulations establishing information requirements relating to side effects, contraindications and effectiveness in this state. The department may, by regulation, make other requirements relating to side effects, contraindications, and effectiveness whether or not in accordance with the regulations adopted under the federal act.

26637. Any drug subject to Section 26660 is misbranded unless the established name of the prescription drug or prescription drug ingredient is printed on the label prominently and in type at least half as large as that used for the proprietary name or designation on the label, labeling, or advertising.

The department may, by regulation, establish exemptions from the requirements of this section when compliance with this section is not considered necessary for the protection of health and safety

26638. Any drug or device is misbranded unless its labeling bears all of the following information:

(a) Adequate directions for use.

(b) Such adequate warnings against use in pathological conditions or by children where its use may be dangerous to health.

(c) Adequate warning against unsafe dosage or methods or duration of administration or application.

Warnings shall be in such manner and form as are necessary for the protection of users.

If the department determines that any requirement of subdivision (a), as applied to any drug or device, is not necessary for the protection of the public health, the department may adopt regulations exempting such drug or device from these requirements.

Any drug or device exempted under Section 502(f) of the federal act (21 U.S.C., Sec. 352(f)) is exempt from the requirement of this section. The department, however, may adopt any regulation including a drug or device within, or excluding a drug or device from the requirements of this section, whether or not the inclusion or exclusion of such drug or device is in accord with the federal act.

26639. Any drug is misbranded if it purports to be a drug which is recognized in an official compendium and it is not packaged and labeled as prescribed in the official compendium. The method of packaging, however, may be modified with the consent of the department.

26640. Any drug or device is misbranded if the department determines that the drug or device is liable to deterioration, unless it is packaged in such form and manner and its label bears a statement of such precautions, as the department, by regulation, may require as necessary for the protection of public health. Such regulations shall not be established for any drug or device recognized in an official compendium, unless the department has informed the appropriate body, charged with the revision of the official compendium, of the need for such packaging or labeling requirements and such body has not prescribed such requirements in a reasonable length of time.

26641. Any drug or device is misbranded if its container is so made, formed, or filled as to be misleading.

26642. Any drug is misbranded in any of the following cases:

(a) It is an imitation of another drug.

(b) It is offered for sale under the name of another drug.

(c) The contents of the original package have been, wholly or partly, removed and replaced with other material in the package.

26643. Any drug or device is misbranded if it is dangerous to health when used in the dosage, or with the frequency or duration prescribed, recommended, or suggested in its labeling.

26644. Any drug is misbranded if it is, or purports to be, or is represented as, a drug composed wholly or partly of insulin, unless both of the following requirements are satisfied:

(a) It is from a batch to which a certificate or release has been issued pursuant to Section 506 (21 U.S.C., Sec. 356) of the federal act.

(b) Such certificate or release is in effect with respect to such drug.

26645. Any drug is misbranded if it is purports to be, or is represented as a drug composed, wholly or partly, of any antibiotic drug, or any derivative thereof, unless both of the following requirements are satisfied:

(a) It is from a batch to which a certificate or release has been issued pursuant to Section 507 of the federal act (21 U.S.C., Sec. 357).

(b) Such certificate or release is in effect with respect to that drug. This section shall not, however, apply to any drug or class of drugs exempted by regulations adopted pursuant to Section 507(c) or 507(d) of the federal act (21 U.S.C., Sec. 357(c) or 357(d)).

26646. Any drug is misbranded if it is a color additive, intended for use in or on drugs for the purpose of coloring only and its packaging and labeling fail to conform to the

packaging and labeling requirements adopted pursuant to Section 26207.

26647. A drug or device is misbranded if a trademark, trade name, or other identifying mark, imprint, or device of another person, or any likeness of the trademark, trade name, or other identifying mark, imprint, or device of another person, has been placed on the drug or device, or upon its container.

26648. A drug or device is misbranded if it was manufactured in this state in an establishment not duly licensed as provided in this division.

26649. A drug or device is misbranded if it was manufactured in an establishment not duly registered with the Secretary of Health, Education, and Welfare of the United States.

26650. It is unlawful for any person to manufacture, sell, deliver, hold, or offer for sale any drug or device that is misbranded.

26651. It is unlawful for any person to misbrand any drug or device.

26652. It is unlawful for any person to receive in commerce any drug or device that is misbranded or to deliver or proffer for delivery any such drug or device.

26653. It is unlawful for any person to alter, mutilate, destroy, obliterate, or remove the label or any part of the labeling of any drug or device if such act results in the drug or device being misbranded.

26654. Any drug or device intended for export shall not be deemed to be adulterated under this division if it satisfies all of the following requirements:

(a) It accords to the specifications of the foreign purchaser.

(b) It is not in conflict with the laws of the importing country.

(c) It is labeled on the outside of the shipping package to show that it is intended for export.

If such article is sold or offered for sale in domestic commerce, this section shall not exempt it from any of the provisions of this division.

Article 4. Prescription Drugs or Devices

26660. The following drugs or devices, which are intended for use by man, shall be sold only upon a written prescription of a practitioner licensed by law to prescribe such a drug or device, or upon an oral prescription of such licensee which is reduced promptly to writing and filed by the pharmacist, or by refilling any such written or oral prescription if such refilling is authorized by the prescriber either in the original prescription or by oral order which is reduced promptly to writing and filed by the pharmacist:

(a) A habit forming drug to which Section 26634 applies.

(b) A drug or device which, because of its toxicity or other potentiality for harmful effect, or the method of its use, or the collateral measures necessary to its use, is not safe for use

except under the supervision of a practitioner licensed by law to administer such drug or device.

(c) A drug or device which is limited by an effective application under Section 505 of the federal act (21 U.S.C., Sec. 355) or Section 26670 to use under the professional supervision of a practitioner licensed by law to administer such drug or device.

If any prescription for such drug does not indicate the number of times it may be refilled, if any, such prescription may not be refilled unless the pharmacist obtains a new order from the practitioner.

26661. The act of selling a drug or device contrary to the provisions of Section 26660 shall be deemed to be an act which results in the drug or device being misbranded while held for sale.

26662. Any drug or device sold by filling or refilling a written or oral prescription of a practitioner licensed to prescribe such drug or device shall be exempt from the labeling requirements of Sections 26631, 26632, 26634, 26635, 26636, 26637, 26638, 26639, 26640, 26642, 26646, and 26647, if the drug or device bears a label displaying all the following:

(a) Except where the prescriber orders otherwise, the trade name of the drug, or if there is no trade name, the generic name and the name of the manufacturer. Commonly used abbreviations may be used. Preparations containing two or more active ingredients may be identified by a brand or commonly used name or the principal active ingredients.

(b) The directions for the use of the drug.

(c) The name of the patient.

(d) The name of the prescriber.

(e) The date of issue.

(f) The name, address and prescription number of the furnisher.

(g) The strength of the drug or drugs prescribed.

The exemption shall not apply to any drug or device dispensed in the course of the conduct of a business of dispensing drugs or devices pursuant to diagnosis by mail, or to a drug or device dispensed in violation of Section 26660.

26663. The department may, by regulation, remove any drug or device subject to Sections 26634 and 26670 from the requirements of Section 26660, when such requirements are not necessary for the protection of the public health. Any drug removed from the prescription requirements of the federal act by regulations adopted pursuant to the federal act is removed from the requirements of Section 26660. The department may, however, by regulation, continue the applicability of Section 26660 for any drug or device, or make such sections inapplicable to any drug or device, whether or not such inclusion or exclusion of the drug or device is in accordance with the regulations adopted pursuant to the federal act.

26664. A drug or device which is subject to Section 26660 is misbranded if at any time prior to dispensing, its label fails

to bear the statement "Caution: Federal Law prohibits dispensing without prescription," or "Caution: State Law prohibits dispensing without prescription." A drug or device to which Section 26660 does not apply is misbranded if at any time prior to dispensing its label bears the caution statement quoted in the preceding sentence.

26665. Nothing in this article shall be construed to relieve any person from any requirement prescribed by or under authority of law with respect to drugs now included or which may hereafter be included within the classification stated in Division 10 (commencing with Section 11000) of this code or in the applicable federal law relating to narcotic drugs and marijuana.

Article 5. New Drugs or Devices

26670. No person shall sell, deliver, or give away any new drug or new device unless it satisfies either of the following:

(a) It is a new drug, and a new drug application has been approved for it and such approval has not been withdrawn, terminated, or suspended under Section 505 of the federal act (21 U.S.C., Sec. 355).

(b) The department has approved a new drug or device application setting forth all of the following information:

(1) Full reports of investigations which have been made to show whether or not such new drug or device is safe for use or whether such new drug or device is effective in use under the conditions prescribed recommended, or suggested in the labeling or advertising of the new drug or device.

(2) A full list of the articles used as components of such new drug or device.

(3) A full statement of the composition of such new drug or device.

(4) A full description of the methods used in, and the facilities and controls used for, the manufacture, processing, and packing of such new drug or in the case of a new device, a full statement of its composition, properties, and construction and the principles of its operation.

(5) Such samples of such new drug or device and of the articles used as components of the drug or device as the department may require.

(6) Specimens of the labeling and advertisements proposed to be used for such new drug or device.

26671. Within 180 days after the filing of an application provided for in Section 26670, or such additional period as shall be agreed upon by the department and the applicant, the department shall do either of the following:

(a) Approve the application, if it finds that none of the grounds for denying approval specified in Section 26670 apply.

(b) Give the applicant written notice for an opportunity for a hearing before the department on the question of whether such application is approvable. If the applicant elects to accept the opportunity for hearing by written request within 30

days after such notice, such hearing shall commence not more than 90 days after the expiration of such 30 days unless the department and the applicant otherwise agree. Any such hearing shall thereafter be conducted on an expedited basis and the department's order thereon shall be issued within 90 days after the date fixed by the department for filing final briefs.

26672. The department shall issue an order refusing to approve an application if, after written notice to the applicant and after giving him an opportunity for a hearing, the department makes any of the following findings:

(a) That the reports of investigation, which are required to be submitted to the department pursuant to Section 26670, do not include adequate tests by all methods reasonably applicable to show whether or not such new drug or device is safe for use under the conditions prescribed, recommended, or suggested in the proposed labeling and advertisement of the new drug or device.

(b) That the results of the tests submitted pursuant to Section 26670 to show whether or not such new drug or device is safe for use under the conditions prescribed, recommended, or suggested in the proposed labeling and advertisement of the new drug or device show that the drug or device is unsafe for use under such conditions or do not show that such new drug or device is safe for use under the conditions prescribed, recommended, or suggested in the proposed labeling and advertisement.

(c) That the methods, facilities, and controls used in the manufacture, processing, or packing of the new drug or device are inadequate to preserve its identity, strength, quality, purity, composition, or other characteristics.

(d) That upon the basis of information submitted as part of the application, or upon the basis of any other information before it with respect to such new drug or device, that the department has insufficient information to determine whether such drug or device is safe for use under the conditions prescribed, recommended, or suggested in the proposed labeling and advertisement.

(e) That evaluated on the basis of the information submitted as part of the application and any other information before it with respect to such new drug or device, that there is a lack of substantial evidence that the new drug or device will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the proposed labeling or advertisement of the new drug or device.

(f) That based on an evaluation by the department of all material facts, that the proposed labeling or advertising of the new drug or device is false or misleading in any particular.

26673. An order pursuant to Section 26672 refusing approval of a new drug application or a new device application shall be revoked whenever the department finds that the facts justify such action.

26674. In the case of any new drug or device for which an approval of an application filed pursuant to Section 26670 is in effect, the applicant shall establish and maintain such records, and make such reports to the department, of data relating to clinical experience and other data or information, received or otherwise obtained by such applicant with respect to such new drug or device, as the department may by general regulation, or by order with respect to such application, prescribe. Any regulation or order issued pursuant to this section or pursuant to Section 26679 shall have due regard for the professional ethics of the medical profession and the interest of patients and shall provide, where the department determines that it is reasonably necessary, for the examination upon request, by the persons to whom such regulation or order is applicable, of similar information received or otherwise obtained by the department. Every person required pursuant to this section to maintain records, and every person in charge or in custody of the records, shall, upon request of an authorized agent of the department, permit such agent at all reasonable time to have access to, and copy and verify, such records.

26675. The department shall issue an order withdrawing approval of an application concerning any new drug or device if, after giving written notice to the applicant and an opportunity for a hearing, the department makes any of the following findings:

(a) That clinical or other experience, tests, or other scientific data show that such new drug or device is unsafe for use under the conditions of use upon the basis of which the application was approved.

(b) That new evidence of clinical experience, not contained in such application or not available to the department until after such application was approved, or tests by new methods, or tests by methods not deemed reasonably applicable when such application was approved, evaluated together with the evidence available to the department when the application was approved, shows that such new drug or device is not shown to be safe for use under the conditions of use upon the basis of which the application was approved.

(c) On the basis of new information with respect to such new drug or device, evaluated together with the evidence available to the department when the application was approved, that there is a lack of substantial evidence that the new drug or device will have the effect it purports or is represented to have, under the conditions of use prescribed, recommended, or suggested in the labeling or advertising of the new drug or device.

(d) That the application contains any untrue statement of a material fact.

(e) That the applicant has failed to establish a system for maintaining required records, or has repeatedly or deliberately failed to maintain such records or to make required reports,

or the applicant has refused to permit access to, or copying or verification of, such records.

(f) That on the basis of new information before the department, evaluated together with the evidence before it when the application was approved, the methods used in, or the facilities and controls used for, the manufacture, processing, and packing of such new drug or device are inadequate to assure and preserve its identity, strength, quality, purity, composition, and characteristics as determined by qualified experts selected by the department, and were not made adequate within a reasonable time after receipt of written notice from the department specifying the matter complained of.

(g) That on the basis of new information before it, evaluated together with the evidence before it when the application was approved, the labeling or advertisement of such new drug or device, based on an evaluation of all material facts, is false or misleading in any particular and is not corrected within a reasonable time after receipt of written notice from the department specifying the matter complained of.

26676. When the department finds that there is an imminent hazard to the public health, it may suspend the approval for such application immediately.

26677. An order pursuant to Section 26675 or 26676 withdrawing approval of an application concerning any new drug or device shall be revoked whenever the department finds that the facts justify such action.

26678. Section 26670 does not apply to a drug intended solely for investigational use by experts qualified by scientific training and experience to investigate the safety and effectiveness of drugs if the investigation is conducted in accordance with the requirements of Section 505(i) of the federal act (21 U.S.C., Sec. 355(i)) and the regulations adopted pursuant to the federal act.

26679. Section 26670 does not apply to any drug or device intended solely for investigational use by experts qualified by scientific training and experience to investigate the safety and effectiveness of drugs or devices if all the following conditions are complied with:

(a) The submission to the department, before any clinical testing of a drug or device is undertaken, of reports by the manufacturer or the sponsor of the investigation of such drug or device of preclinical tests, including tests on animals, of such drug or device adequate to justify the proposed clinical testing.

(b) The manufacturer or the sponsor of the investigation of a drug or a device proposed to be distributed to investigators for clinical testing obtaining a signed, notarized agreement from each of such investigators that patients to whom the drug or device is administered will be under his personal supervision, or under the supervision of investigators responsible to him, and that he will not supply such drug or device

to any other investigator, or to clinics, for administration to human beings.

(c) The establishment and maintenance of such records, and the making of such reports to the department, by the manufacturer or the sponsor of the investigation of such drug or device, of data, including but not limited to, analytical reports by investigators, obtained as a result of such investigational use of such drug or device, as the department finds will enable it to evaluate the safety and effectiveness of such drug or device in the event of the filing of an application pursuant to Section 26670.

(d) The manufacturer, or the sponsor of the investigation, require experts using such drugs or devices for investigational purposes to certify to such manufacturer or sponsor that they will inform any human beings to whom such drugs or devices, or any controls used in connection therewith, are being administered, or their representatives, that such drugs or devices are being used for investigational purposes and will obtain the consent of such human beings or their representative, except where they deem it not feasible or, in their professional judgment, contrary to the health and welfare of such human beings. Nothing in this subdivision requires any clinical investigator to submit directly to the department reports on the investigational use of drugs or devices.

(e) Such other conditions as the department shall adopt as regulations necessary for the protection of the public health. The federal regulations adopted pursuant to Section 505(i) of the federal act (21 U.S.C., Sec. 355(i)) shall be the regulations for exemptions from Section 26670 in this state. However, the department may prescribe, by regulation, any condition for exemption from Section 26670 whether or not such condition is in accordance with regulations adopted under the federal act.

26680. Section 26670 does not apply to any of the following:

(a) A drug or device which is sold in this state, or introduced into interstate commerce, at any time prior to the enactment of the federal act, if its labeling and advertising contained the same representations concerning the conditions of its use.

(b) Any drug which is licensed under the Public Health Service Act of July 1, 1944 (58 Stats. 682, as amended; 42 U.S.C., Sec. 201 et seq.) or under the provisions of the 8th paragraph of the heading of Bureau of Animal Industry of the act of March 4, 1913 (37 Stat. 832–833; 21 U.S.C., Sec. 151 et seq.), commonly known as the "Virus-Serum-Toxin Act."

(c) Any antibiotic drug which is subject to Section 26651.

(d) Any device used within the scope of his license privilege by a physician and surgeon, podiatrist, dentist, optometrist, or veterinarian licensed as such in this state.

Article 6. Licenses

26685. No person shall manufacture any drug or device in this state unless he has a valid license from the department. Such license is valid for one calendar year from the date of issue, unless it is revoked. Such license is not transferable.

26686. A separate license is required for each place of manufacture.

26687. A license application shall be completed annually and accompanied by an application fee as prescribed in Section 26688. This fee is not refundable if the license is refused.

26688. The department shall by regulation establish the application form and set the fee at an amount not to exceed two hundred dollars ($200). The penalty for failure to apply for renewal of a license within 30 days after its expiration is ten dollars ($10) and shall be added to the renewal fee and be paid by the applicant before the renewal license may be issued. All moneys collected as fees shall be expended when appropriated by the Legislature in the carrying out of the provisions of this division and the regulations adopted pursuant to this division.

Any person licensed pursuant to this section shall immediately notify the department of any change in the information reported in the license application.

26689. Prior to issuing or renewing a license required by Section 26685, the department shall inspect each place of business to determine ownership, adequacy of facilities, and personnel qualifications.

26690. The department shall make such investigations or inspections authorized by Article 3 (commencing with Section 26230) of Chapter 2 of this division as it deems necessary to carry out the provisions of this chapter.

26691. Any violation of any provision of this division or any regulation adopted pursuant to this division shall be grounds for denying a license or for suspending or revoking a license. Proceedings for the denial, suspension, or revocation of a license shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the department shall have all the powers granted in that chapter.

26692. Drug manufacturers who have obtained a license or who are applying for a license pursuant to this article shall submit to the California State Board of Pharmacy such information as the Board of Pharmacy deems reasonably necessary to carry out its drug distribution responsibilities including, but not limited to, information on drug inventories or restricted dangerous drugs. Failure of any such manufacturer to report such information to the Board of Pharmacy in a timely fashion shall be grounds for the department to deny, suspend, or revoke the manufacturer's license.

The California State Board of Pharmacy may adopt rules and regulations which are reasonably necessary to implement this section.

26693. The licensing provisions of this chapter shall not apply to any of the following:

(a) Any pharmacy which maintains establishments in conformance with provisions of the Pharmacy Law, Chapter 9 (commencing with Section 4000) of Division 2 of the Business and Professions Code, regulating the practice of pharmacy, and which is regularly engaged in dispensing prescription drugs or devices, upon prescriptions of any person licensed to administer such drugs or devices to patients under the care of such person in the course of his professional practice, and which does not manufacture, prepare, propagate, compound, or process drugs or devices for sale other than in the regular course of his business of dispensing or selling drugs or devices at retail.

(b) Any pharmacy which solely engages in providing drugs or devices to a person licensed by law to administer such drug or device for his use in the course of his professional practice.

(c) Any pharmacy which solely provides drugs or devices to another pharmacy in order to meet a temporary inventory shortage.

(d) Any person who is licensed by law to prescribe or administer drugs or devices and who manufactures, prepares, propagates, compounds, or processes drugs or devices solely for use in the course of his professional practice.

(e) Any person who manufactures, prepares, propagates, compounds, or processes any drug or device solely for use in nonclinical research, teaching, or chemical analysis and not for sale.

(f) Any wholesaler, as defined in Section 4038 of the Business and Professions Code.

(g) Any such other class of persons as the department may by regulation exempt from the application of this article upon a finding that licensing by such class of persons in accordance with this article is not necessary for the protection of the public health.

Chapter 7. Cosmetics

Article 1. General Provisions and Definitions

26700. As used in this chapter, "hair dye" does not include any eyelash dye or eyebrow dye.

26701. Any color additive shall be considered unsafe for use with respect to any cosmetic unless there is in effect a regulation adopted pursuant to Section 26207 which prescribes its use in cosmetics.

Article 2. Adulterated Cosmetics

26710. A cosmetic is adulterated if it bears or contains any poisonous or deleterious substance which may render it injurious to users under the conditions of use prescribed in the labeling or advertisement of the cosmetic, or under such conditions of use as are customary or usual.

26710.5. Section 26710 shall not apply to coal tar hair dye, which is conspicuously labeled as follows:

"Caution—this product contains ingredients which may cause skin irritation on certain individuals and a preliminary test according to accompanying directions should first be made. This product must not be used for dyeing the eyelashes or eyebrows; to do so may cause blindness."

The labeling shall also bear adequate directions for such preliminary testing.

26711. Any cosmetic is adulterated if it consists in whole or in part of any filthy, putrid, or decomposed substance.

26712. Any cosmetic is adulterated 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 injurious to health.

26713. Any cosmetic is adulterated if its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health.

26714. Any cosmetic is adulterated if it is not a hair dye and it is, or it bears or contains, a color additive which is unsafe within the meaning of Section 26701.

26715. It is unlawful for any person to manufacture, sell, deliver, hold, or offer for sale any cosmetic that is adulterated.

26716. It is unlawful for any person to adulterate any cosmetic.

26717. It is unlawful for any person to receive in commerce any cosmetic that is adulterated or to deliver or proffer for delivery any such cosmetic.

26718. While any regulation relating to any color additive referred to in Section 26701 is in effect, any cosmetic which bears or contains such color additive in accordance with these regulations shall not be considered adulterated.

26719. Any cosmetic intended for export shall not be deemed to be adulterated under this division if it satisfies all of the following requirements:

(a) It accords to the specifications of the foreign purchaser.

(b) It is not in conflict with the laws of the importing country.

(c) It is labeled on the outside of the shipping package to show that it is intended for export.

If such article is sold or offered for sale in domestic commerce, this section shall not exempt it from any of the provisions of this division.

Article 3. Misbranded Cosmetics

26730. Any cosmetic is misbranded if its labeling is false or misleading in any particular.

26731. Any cosmetic is misbranded if its labeling or packaging does not conform to the requirements of Chapter 4 (commencing with Section 26400) of this division.

26732. Any cosmetic is misbranded if it is in package form and it does not bear a label containing all of the following information:

(a) The name and place of business of the manufacturer, packer, or distributor.

(b) An accurate statement of the quantity of the contents in terms of weight, measure, or numerical count.

Reasonable variations shall be permitted from the requirements of subdivision (b) of this section. Requirements for placement and prominence of such information and exemptions as to small packages shall be established by regulations adopted pursuant to Section 26438.

26733. A cosmetic is misbranded if any word, statement, or other information required pursuant to this division to appear on the label or labeling is not prominently placed upon the label or labeling with such conspicuousness, as compared with other words, statements, designs, or devices, 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.

26734. Any cosmetic is misbranded if its container is so made, formed, or filled as to be misleading.

26735. A cosmetic is misbranded if it is a color additive, unless its packaging and labeling are in conformity with such packaging and labeling requirements applicable to color additives prescribed under the provisions of Section 26207. This section does not apply to packages of color additives which, with respect to their use for cosmetics, are marketed and intended for use only in or on hair dyes.

26736. It is unlawful for any person to manufacture, or sell any cosmetic that is misbranded.

26737. It is unlawful for any person to misbrand any cosmetic.

26738. It is unlawful for any person to receive in commerce any cosmetic that is misbranded, or to deliver or proffer for delivery any such cosmetic.

26739. It is unlawful for any person to alter, mutilate, destroy, obliterate, or remove the label or any part of the labeling of any cosmetic if such act results in the cosmetic being misbranded, while held for sale.

26740. Any cosmetic intended for export shall not be deemed to be misbranded under this division if it satisfies all of the following requirements:

(a) It accords to the specifications of the foreign purchaser.

(b) It is not in conflict with the laws of the country to which it is intended for export.

(c) It is labeled on the outside of the shipping package to show that it is intended for export.

If such article is sold or offered for sale in domestic commerce, this section shall not exempt it from any of the provisions of this division.

Chapter 8. Penalties and Remedies

Article 1. Penalties

26801. Any person who violates any provision of this division or any regulation adopted pursuant to this division is guilty of a misdemeanor and shall, if convicted, be subject to imprisonment for not more than six months in the county jail or a fine of not less than one hundred dollars ($100), nor more than five hundred dollars ($500), or both such imprisonment and fine. If the violation is committed after a previous conviction under this section which has become final, or if the violation is committed with intent to defraud or mislead, the person shall be subject to imprisonment for not more than one year in the county jail or a fine of not more than one thousand dollars ($1,000), or both such imprisonment and fine.

Article 2. Proceedings

26811. The Attorney General, any district attorney, or any city attorney to whom the department reports any violation of this division shall begin appropriate proceedings in the proper court.

26812. The department is not required to institute proceedings under this division for minor violations of this division, if the department believes that the public interest will be adequately served in the circumstances by a suitable written notice or warning.

Article 3. Seizure and Embargo

26830. Whenever an authorized agent of the department finds, or has probable cause to believe, that any food, drug, device, or cosmetic is adulterated, misbranded, or falsely advertised within the meaning of this division, or the sale of any food, drug, device, or cosmetic would be in violation of this division, he shall affix to such food, drug device, cosmetic, or component thereof, a tag or other appropriate marking. He shall give notice that the food, drug, device, or cosmetic is, or is suspected of being, adulterated, misbranded, falsely advertised, the sale of which would be in violation of this division and has been embargoed, and that no person shall remove or dispose of the food, drug, device, or cosmetic by sale or otherwise until permission for removal or disposal is given by an authorized agent of the department or the court.

26831. It is unlawful for any person to remove, sell, or dispose of a detained or embargoed food, drug, device, or cosmetic without permission of an authorized agent of the department or the court.

26832. When an authorized agent of the department has found that a food drug, device, or cosmetic which is embargoed, is not adulterated, misbranded, falsely advertised, or the sale of which is not otherwise in violation of this division, he shall remove the tag or other marking.

26833. When an authorized agent of the department finds, or has reasonable cause to believe, that the embargo will be violated, he may remove such embargoed food, drug, device, or cosmetic to a place of safekeeping.

26834. When a food, drug, device, or cosmetic is alleged to be adulterated, misbranded, falsely advertised, or the sale of which is otherwise in violation of this division, the department shall commence proceedings in the superior court or lower court in whose jurisdiction the food, drug, device, or cosmetic is located, for condemnation of the article.

26835. If the court finds that an embargoed food, drug, device, or cosmetic is adulterated, misbranded, falsely advertised, or the sale of which is otherwise in violation of this division, such food, drug, device, or cosmetic shall, after entry of the judgment, be destroyed at the expense of the claimant or owner, under the supervision of an authorized agent of the department. All court costs and fees and storage and other expenses shall be taxed against the claimant or owner of such food, drug, device, or cosmetic or his agent. When the adulteration or misbranding can be corrected by proper labeling or processing of the food, drug, device, or cosmetic, or when the false advertisement can be corrected and when all provisions of this division can be complied with, then, after entry of the judgment and after such costs, fees, and expenses have been paid and a good and sufficient bond, conditioned that such food, drug, device, or cosmetic will be brought into compliance, the court may, by order, direct that the food, drug, device, or cosmetic be delivered to the claimant or owner to be brought into compliance by labeling, processing, or other means under the supervision of an authorized agent of the department. The expense of such supervision shall be paid by the claimant or owner. The bond shall be discharged when the court finds that the food, drug, device, or cosmetic is no longer held for sale in violation of any provision of this division and that all of the expenses of supervision have been paid.

26836. Whenever an authorized agent of the department finds any meat, meat products, seafood, poultry, vegetable, fruit, or other food which is unsound, or which contains any filthy, decomposed, or putrid substance, or which may be poisonous or deleterious to health, or otherwise unsafe, he may declare such food to be a nuisance and the department, or its authorized agent, shall condemn or destroy it, or render it unsalable as human food by decharacterization.

26837. Any superior or lower court of this state may condemn any food, drug, device, or cosmetic under provisions of this division. In the absence of such an order, such food drug, device, or cosmetic may be destroyed under the supervision of an authorized agent of the department who has the written consent of the owner, his attorney, or authorized representative.

Article 4. Injunctions

26850. The Attorney General or any district attorney, on behalf of the department, may bring an action in superior court and such court shall have jurisdiction upon hearing and for cause shown, to grant a temporary or permanent injunction restraining any person from violating any provision of this division. 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.

26851. In addition to injunctive relief, the court may impose as a civil penalty, damages in the maximum sum of one thousand dollars ($1.000) for each day such violation is continued. Damages shall be paid one-half to this state and one-half to the county in which such action is brought if brought by the Attorney General, or entirely to the county if brought by a district attorney.

CHAPTER 1574

An act to add Article 8 (commencing with Section 26650) to Chapter 3 of Division 21 of the Health and Safety Code, relating to foods.

[Approved by Governor September 20, 1970. Filed with Secretary of State September 20, 1970.]

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

SECTION 1. Article 8 (commencing with Section 26650) is added to Chapter 3 of Division 21 of the Health and Safety Code, to read:

Article 8. Enrichment of Food and Food Products

26650. It is unlawful to sell at retail any of the following foods or food products manufactured from such foods, unless such foods or food products are enriched in accordance with the enrichment standards adopted by the department: white flour, cornmeal, corn grits, farina, macaroni, noodles, spaghetti or milled rice. The department shall adopt such enrichment standards as it determines are reasonably necessary for the protection of the public health and safety. In adopting such standards the department shall take into consideration the current standards established by the Secretary of Health, Education, and Welfare under authority contained in the federal law. This section shall not apply to food or products manufactured from such foods which contain less than 25 percent of the food ingredients listed in this section or to those foods

which are sold in sealed metal or glass containers or to frozen foods.

26651. It is unlawful for any person to manufacture, sell, or offer for sale for human consumption in this state, any processed breakfast cereal unless the quantity of vitamins and minerals contained in each ounce of the processed cereal conforms to the current "fortification" regulations established by the department as it determines are reasonably necessary for the protection of the public health and safety. In adopting such regulations the department shall take into consideration the current fortification regulations established by the Secretary of Health, Education, and Welfare under authority contained in the federal law.

26652. All products requiring enrichment under Section 26650 shall be labeled "enriched" and display the nutrients required to be added, together with the quantity of each that the product actually contains. All products requiring fortification under Section 26651 shall be labeled "fortified" and display the nutrients required to be added, together with the quantity of each that the product actually contains. The director may by regulation make an exception to this section in the case of small specialty products where the size of the package makes the naming of all ingredients therein impractical.

SEC. 2. The Legislature finds and declares that the public demand for flour containing highly processed grain and grain products has encouraged, if not compelled, milling processes largely destructive of healthful vitamin and mineral content. It is the intent of the Legislature in enacting this act to protect, as far as possible, the people of California against a deficiency of certain food ingredients essential to their health and well-being. A great many producers of products made from processed grain now voluntarily "enrich" their products according to standards fixed by the federal government. As enrichment is a procedure whereby the essential nutrients removed by processing are replaced, it is considered reasonable to expect all producers to accept this obligation.

SEC. 3. This act shall become operative January 1, 1972.

CHAPTER 1575

An act to amend Sections 4356, 4800, 4801, and 5126 of the Civil Code, relating to family law.

[Approved by Governor September 20, 1970. Filed with Secretary of State September 20, 1970.]

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

SECTION 1. Section 4356 of the Civil Code is amended to read:

4356. In proceedings under Title 3 (commencing with Section 4500) of this part, 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. 2. Section 4800 of the Civil Code is amended to read:

4800. (a) The court shall, either (1) in its interlocutory judgment decreeing the dissolution of the marriage or in its judgment decreeing the legal separation of the parties, or (2) 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.

(b) Notwithstanding subdivision (a), the court may divide the community property and quasi-community property of the parties as follows:

(1) Where economic circumstances warrant, the court may award any asset to one party on such conditions as it deems proper to effect a substantially equal division of the property.

(2) As an additional award or offset against existing property, the court may award, from a party's share, any sum it 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.

(3) If the net value of the community property and quasi-community property is less than five thousand dollars ($5,000) and one party cannot be located through the exercise of reasonable diligence, the court may award all such property to the other party on such conditions as it deems proper in its final judgment decreeing the dissolution of the marriage or in its judgment decreeing the legal separation of the parties.

(c) 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 subdivision, "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.

SEC. 3. Section 4800 of the Civil Code is amended to read:

4800. (a) Except upon the written agreement of the parties, or on oral stipulation of the parties in open court, the court shall, either in its interlocutory judgment of dissolution of the marriage, in its judgment decreeing the legal separation of the parties, or at a later time if it expressly reserves jurisdiction to make such a property division, divide the community property and the quasi-community property of the parties, including any such property from which a homestead has been selected, equally.

(b) Notwithstanding subdivision (a), the court may divide the community property and quasi-community property of the parties as follows:

(1) Where economic circumstances warrant, the court may award any asset to one party on such conditions as it deems proper to effect a substantially equal division of the property.

(2) As an additional award or offset against existing property, the court may award, from a party's share, any sum it 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.

(3) If the net value of the community property and quasi-community property is less than five thousand dollars ($5,000) and one party cannot be located through the exercise of reasonable diligence, the court may award all such property to the other party on such conditions as it deems proper in its final judgment decreeing the dissolution of the marriage or in its judgment decreeing the legal separation of the parties.

(c) Notwithstanding the provisions of subdivision (a), 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 such case, the community property personal injury damages shall be assigned to the respective parties in such proportions as the court determines to be just, except that at least one-half of such damages shall be assigned to the party who suffered the injuries. As used in this subdivision, "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.

(d) The court may make such orders as it deems necessary to carry out the purposes of this section.

SEC. 4. Section 4801 of the Civil Code is amended to read:

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 either party or 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.

SEC. 5. Section 5126 of the Civil Code is amended to read:

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 a final 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 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).

SEC. 4. It is the intent of the Legislature, if the amendments to Section 4800 of the Civil Code proposed by both this bill and Senate Bill No. 360 are enacted, that both amendments be given effect and incorporated into Section 4800 in the form set forth in Section 3 of this act. Therefore, in the event Senate Bill 360 is enacted and amends Section 4800, Section 3 of this act shall become operative at the same time that Section 4800 as amended by Senate Bill 360 becomes operative, and, at that time, Section 4800 as amended by Section 2 of this act is repealed.

CHAPTER 1576

An act to amend Section 11251 of the Education Code, relating to community college attendance.

[Approved by Governor September 20, 1970. Filed with Secretary of State September 20, 1970.]

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

SECTION 1. 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. For purposes of computing the average daily

attendance of a community college district, attendance shall also include student attendance and participation in approved coordinated instruction systems programs of instruction using television, computer-assisted instruction, automated audio-visual systems, programmed learning materials, and other similar teaching techniques, under the coordination and evaluation of an employee who possessed an appropriate certification document, but not requiring the immediate supervision of such employee. Approved coordinated instruction systems programs of instruction are those recommended by the governing board of the district maintaining the community college and approved by the Board of Governors of the California Community Colleges. One student contact hour is to be counted for each unit of coordinated instruction systems credit in which a student is enrolled during any census period. The state aid apportionment made by the board of governors shall not be greater than one-half the current costs of conducting approved coordinated instruction systems programs of instruction Coordinated instruction systems programs of instruction shall be conducted by employees of the district who possess valid credentials or certification documents, who shall determine the need for immediate supervision of the programs of instruction. Such employees shall evaluate individual student progress and assign appropriate grades for students enrolled in classes taught by the coordinated instruction systems programs of instruction.

(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.

CHAPTER 1577

An act to amend Sections 13262 and 13263 of the Education Code, relating to teachers' seniority selection.

[Approved by Governor September 20, 1970 Filed with Secretary of State September 20, 1970]

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

SECTION 1. Section 13262 of the Education Code is amended to read:

13262. Except as otherwise provided in Sections 13252 to 13273, inclusive, every probationary or permanent employee employed before July 1, 1947, shall be deemed to have been employed on the date upon which he first accepted employment in a probationary position.

In case two or more employees accepted employment on the same date, the governing board of the district shall determine the order of employment by lots drawn by the employees concerned or assigned at random by an independent auditing firm employed in accordance with Section 13263 or by other means as determined pursuant to the procedures described in Article 5 (commencing with Section 13080) of Chapter 1 of this division.

SEC. 2. Section 13263 of the Education Code is amended to read:

13263. Every probationary or permanent employee employed after June 30, 1947, shall be deemed to have been employed on the date upon which he first rendered paid service in a probationary position.

In any district in which appointments are made from eligible lists established by examination, if two or more employees rendered their first paid service on the same date, the board shall determine the order of employment of employees so appointed by lot drawn as follows:

First, those who were highest on their respective eligible lists, except as they have waived appointment, shall draw lots for preferred order as among such employees.

Second, those who were next highest on their respective eligible lists shall similarly draw lots for preferred order as among themselves.

In like manner, drawings shall continue until the order of employment of all shall have been determined. Employees appointed subject to examination shall draw last of all.

In districts in which employees are not appointed from eligible lists, all who first rendered paid service on the same date shall participate in a single drawing except that in school districts having an average daily attendance in excess of 15,000, an independent auditing firm may be employed to assign to such employees numbers at random which shall determine the order of employment.

CHAPTER 1578

An act to amend Sections 6268.6 and 6268.8 of the Education Code, relating to vocational education.

[Approved by Governor September 20, 1970. Filed with Secretary of State September 20, 1970.]

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

SECTION 1. Section 6268.6 of the Education Code is amended to read:

6268.6. Each area vocational committee shall be composed 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; five public members who, through knowledge and experience, are representative of the industries in the area, and one person representing a county office of education within the region.

SEC. 2. Section 6268.6 of the Education Code is amended to read:

6268.6. Each area vocational committee shall be composed of 18 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, two public members who are knowledgeable about the disadvantaged; three members representing private postsecondary educational institutions authorized or approved under the provisions of paragraph (2) of subdivision (a) of, and subdivisions (b), (c), and (d) of, Section 29007, and of Section 29007.5; and one person representing a county office of education within the region.

SEC. 3. Section 6268.8 of the Education Code is amended to read:

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.

(e) A representative of the county offices of education shall be selected by a majority vote of the county superintendents.

SEC. 4. Section 6268.8 of the Education Code is amended to read:

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 seven 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.

(e) The representative of a county office of education shall be selected by a majority vote of the county superintendents of schools in the region.

SEC. 5. It is the intent of the Legislature, if amendments to Sections 6268.6 and 6268.8 of the Education Code proposed by both this bill and A.B. 2010 are enacted, that both amendments be given effect and incorporated in Sections 6268.6 and 6268.8 in the form set forth in Sections 2 and 4, respectively, of this act Therefore, in the event A.B. 2010 is enacted and amends Sections 6268.6 and 6268.8, Sections 2 and 4 of this act shall become operative at the same time that Sections 6268.6 and 6268.8 as amended by A.B. 2010 become operative, and at that time, Sections 6268 6 and 6268.8 of the Education Code as amended by Sections 1 and 2, respectively, of this act are repealed.

CHAPTER 1579

An act to amend Section 39057 of, and to add Chapter 10 (commencing with Section 39295) to Part 1 of Division 26 of, the Health and Safety Code, relating to air pollution, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 20, 1970 Filed with Secretary of State September 20, 1970]

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

SECTION 1. Section 39057 of the Health and Safety Code is amended to read:

39057. Notwithstanding the provisions of this division, any local or regional authority may establish additional and stricter standards than those set forth by the state board for all sources of air pollution other than motor vehicles, but no local

or regional authority may completely ban all agricultural burning, as defined in Section 39295.6.

SEC. 2. Chapter 10 (commencing with Section 39295) is added to Part 1 of Division 26 of the Health and Safety Code, to read:

CHAPTER 10. BURNING

Article 1. Definitions and General Provisions

39295. "Combustible or flammable solid waste," as used in this chapter, means any garbage, rubbish, trash, rags, paper, boxes, crates, excelsior, ashes, offal, carcass of a dead animal, or any other combustible or flammable refuse matter which is in a solid form.

39295.1. "Flue," as used in this chapter, means any duct or passage for air, gases, or the like, such as a stack or chimney.

39295.2. "Open outdoor fire," as used in this chapter, means any combustion of solid waste outdoors in the open, not in any enclosure, where the products of combustion are not directed through a flue.

39295.3. "Person," as used in this chapter, means any person, firm, corporation, association, or public agency, including, but not limited to, any city, county, district, or the state.

39295.4. "Solid waste dump," as used in this chapter, means any accumulation for the purpose of disposal of any solid waste.

39295.5. "Orchard or citrus grove heater," as used in this chapter, means any article, machine, equipment or other contrivance, burning any type of fuel or material capable of emitting air contaminants, used or capable of being used for the purpose of giving protection from frost damage.

39295.6. "Agricultural burning," as used in this chapter means open outdoor fires used in agricultural operations in the growing of crops or raising of fowls or animals, forest management, or range improvement.

39295.7. The provisions of this chapter shall not supersede any rule or regulation of any air pollution control district, which rule or regulation has been in effect for five or more years prior to the effective date of this chapter.

Article 2. Prohibitions

39296. No person shall, after December 31, 1971, use open fires for the purpose of disposal of petroleum wastes, demolition debris, tires, tar, trees, wood waste, or other combustible or flammable solid or liquid waste; or for metal salvage or burning of automobile bodies.

39296.1. Any violation of the provisions of this article is a misdemeanor punishable by imprisonment in the county jail not exceeding six months, or by fine not exceeding five hundred dollars ($500), or both, and the cost of putting out the fire. Every day during any portion of which such violation occurs constitutes a separate offense.

39296.2. Any violation of any provision of this chapter or of any order, rule, or regulation of the board may be enjoined in a civil action brought in the name of the people of the State of California, except that the plaintiff 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 3. Exceptions

39297. Nothing in this chapter shall be construed as limiting the authority granted under other provisions of law:

(a) To any public officer to set or permit a fire when such fire is, in his opinion, necessary for any of the following purposes:

(1) For the purpose of the prevention of a fire hazard which cannot be abated by any other means, or

(2) The instruction of public employees in the methods of fighting fire,

(3) Set pursuant to permit on property used for industrial purposes for the purpose of instruction of employees in methods of fighting fire.

(b) To set or cause to be set backfires necessary to save life or valuable property pursuant to Section 4426 of the Public Resources Code.

(c) To abate fires pursuant to Chapter 2 (commencing with Section 13025) of Part 1 of Division 12.

39297.1. Nothing in this chapter shall be construed as prohibiting agricultural burning authorized pursuant to Article 4 (commencing with Section 39298) of this chapter.

39297.2 Nothing in this chapter shall be construed as prohibiting burning for the disposal of combustible or flammable solid waste of a single- or two-family dwelling on its premises.

39297.3. Nothing in this chapter shall be construed to prohibit burning for right-of-way clearing by a public entity or utility or for levee and ditch maintenance.

39297.4. The board shall permit a city, city and county, or county to use open outdoor fires, for a limited time only, in its operation of a solid waste dump, upon the finding that because of sparse population in the geographical area and economic and technical difficulties, the solid waste dump should be so operated.

Article 4. Agricultural Burning

39298. The board shall cause to be determined and designated from meteorological data the periods when agricultural burning shall not be permitted within each basin on the basis of the implementation plan or plans, as the case may be for such basin adopted pursuant to Sections 39298.8 and 39298.9.

39298.1. (a) No person knowingly shall set or permit agricultural burning unless he has a valid permit from the agency designated by the board to issue such permits in the area

where the agricultural burning is to take place. A violation of the provisions of this subdivision is a misdemeanor punishable by imprisonment in the county jail not exceeding six months, or by fine not exceeding five hundred dollars ($500), or both, and the cost of putting out the fire. Every day during any portion of which such violation occurs constitutes a separate offense.

(b) The board shall designate public fire protection agencies or other equivalent agencies to issue permits under subdivision (a), and shall adopt rules and regulations to provide a procedure for the issuance of the permits. Each agency so designated by the board shall issue permits subject to the rules and regulations of the board.

(c) No permit shall be valid for any day during a period in which agricultural burning is prohibited by the board pursuant to Section 39298.

(d) Each permit issued pursuant to this section shall bear a statement of warning containing the following words or words of like or similar import:

"This permit is valid only on those days which are not prohibited by the State Air Resources Board pursuant to Section 39298 of the Health and Safety Code."

39298.2. The board shall promulgate guidelines for the regulation and control of agricultural burning for each of the basins established by the board Such guidelines shall be promulgated no later than six months from the effective date of this chapter for the following basins Sacramento Valley, San Joaquin Valley, Bay Area, South Coast, North Central Coast, and South Central Coast.

39298 3. The guidelines promulgated by the board shall be based on meteorological data, the nature and volume of materials to be burned, and the probable effect of such burning on the ambient air quality within the air basins affected.

39298 4 In adopting such guidelines, the board shall consider their economic and technical feasibility, including their probable effect on agricultural production in the basin affected.

39298.5. The board shall continuously review the guidelines promulgated under this article, and may modify, repeal, or alter such guidelines if scientific and technological data indicates that such changes are warranted Before adopting any such changes, the board shall hold a public hearing and shall consider the criteria set forth in Section 39298 3.

39298.6. The board shall, by January 15, 1971, submit a report to the Legislature on its progress, including their proposed guidelines for the basins designated in Section 39298 3, plans for promulgating standards in the remaining air basins in California, and a future proposal for the control of forest and open-range burning.

39298 7. The board shall adopt and publish a list of orchard and citrus heaters which it finds produce no more than one gram per minute of unconsumed solid carbonaceous mate-

rial. No new orchard or citrus heater produced or manufactured shall be sold for use against frost damage after January 1, 1971, unless it has been approved by the board. No person shall use any orchard or citrus heater after January 1, 1975, unless it has been approved by the board or does not produce more than one gram per minute of unconsumed solid carbonaceous material. Any violation of this section is a misdemeanor punishable by imprisonment in the county jail not exceeding six months, or by fine not exceeding five hundred dollars ($500), or both, and the cost of putting out the fire. Every day during any portion of which such violation occurs constitutes a separate offense.

Notwithstanding Section 39057, local or regional authorities may adopt ordinances, which may become operative at any time on or after January 1, 1973, prohibiting the use of any orchard or citrus heater which has not been approved by the board.

39298.8. Within six months after the guidelines for a basin are adopted by the board, each local and regional authority within each basin shall adopt an implementation plan consistent with the guidelines of the board. Local authorities may within each basin jointly adopt an implementation plan for their combined areas. Each plan shall include emission standards and enforcement procedures based on such guidelines. In adopting such plan, each local and regional authority shall consider the economic cost and technical feasibility of disposing of agricultural wastes.

The plan shall be adopted by ordinance, and any violation of the provisions of the plan is a misdemeanor punishable by imprisonment in the county jail not exceeding six months, or by fine not exceeding five hundred dollars ($500), or both, and the cost of putting out the fire. Every day during any portion of which such violation occurs constitutes a separate offense.

39298 9. Each implementation plan shall be submitted to the board for approval. After public hearings, the board shall either approve, modify, or reject the plan submitted to it. The board shall approve the plan if it determines the plan is reasonably calculated to achieve air quality standards applicable to the basin. If the plan is rejected, or if no timely plan is submitted, or if the plan is economically or technically unfeasible, the board shall have all the powers of any local and regional authority within the basin to adopt an alternative plan for the local or regional authority. The board shall not adopt any alternative plan without first holding public hearings within the basin affected.

39299. No person shall knowingly set or permit agricultural burning on days within a period prohibited by the board pursuant to Section 39298.

A violation of this section is a misdemeanor punishable by imprisonment in the county jail not exceeding six months, or by fine not exceeding five hundred dollars ($500), or both, and

the cost of putting out the fire. Every day during any portion of which such violation occurs constitutes a separate offense.

39299.1. The board shall conduct studies of the alternative methods of disposing of agricultural waste other than by burning.

39299.2. An air pollution control district which is functioning and exercising its powers may by permit authorize agricultural burning on days designated by the board as nonburning days when denial of such permit would threaten imminent and substantial economic loss.

The board shall require air pollution control districts to transmit regular reports of permits issued authorizing agricultural burning on nonburning days. The report shall include the number of such permits issued, the date of issuance of each permit, the person or persons to whom the permit was issued, and any other information requested by the board.

39299.3. It is the intent of the Legislature, by the enactment of this article, that agricultural burning be reasonably regulated, and not be prohibited, by the board. The board shall take into consideration, in adopting rules and regulations for purposes of this article, various factors, including, but not limited to, the population in an area, the geographical characteristics, the meteorological conditions, the economic and technical impact of such rules and regulations, and the importance of a viable agriculture economy in the state.

SEC. 3. Section 39057 of the Health and Safety Code is amended to read:

39057. Notwithstanding the provisions of this division, any local or regional auhority may establish additional, stricter standards than those set forth by law or by the state board for all nonvehicular sources, but no local or regional authority may completely ban all agricultural burning, as defined in Section 39295.6.

SEC. 4. It is the intent of the Legislature, if amendments to Section 39057 of the Health and Safety Code proposed by both this bill and Assembly Bill No. 85 are enacted, that both amendments be given effect and incorporated in Section 39057 in the form set forth in Section 3 of this act. Therefore, in the event Assembly Bill No. 85 is enacted and amends Section 39057, Section 3 of this act shall become operative at the same time that Section 39057 as amended by Assembly Bill No. 85 becomes operative, and at that time, Section 39057 of the Health and Safety Code as amended by Section 1 of this act is repealed.

SEC. 5. There is hereby appropriated to the State Air Resources Board from the General Fund the sum of one hundred five thousand dollars ($105,000) for the 1970–71 fiscal year to carry out the purposes of this act.

SEC 6 The General Fund shall be reimbursed for the appropriation made pursuant to Section 5 from the California Environmental Protection Program Fund. This section shall be operative only if Senate Bill No 262 or Assembly Bill No. 522 of the 1970 Regular Session is enacted by the Legislature.

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:

Air pollution resulting from burning is a rapidly growing danger to public health, and immediate regulation of such burning has become imperative. Thus, it is necessary that this act go into effect immediately.

CHAPTER 1580

An act to amend Section 29009 of the Education Code, relating to private educational institutions.

[Approved by Governor September 20, 1970. Filed with Secretary of State September 20, 1970.]

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

SECTION 1. Section 29009 of the Education Code is amended to read:

29009. Every corporation meeting the requirements of paragraph (3) of subdivision (a) of Section 29007, issuing or conferring degrees or honorary degrees, shall between the 1st and 31st days of January of each year, commencing on January 1, 1971, file with the Superintendent of Public Instruction the following affidavits:

(a) An affidavit by the president or other head setting forth the corporation's financial statement covering the full preceding year.

(b) An affidavit by the president or other head setting forth the following information covering the preceding calendar year:

(1) All names, whether real or fictitious, of the person, firm, association, partnership or corporation under which it has done and is doing business.

(2) The address, including city and street, of every place of doing business of the person, firm, association, partnership or corporation, within the State of California.

(3) The address, including city and street, of the location of the records of the person, firm, association, partnership or corporation, and the name and address, including city and street, of the custodian of such records.

(4) The names and addresses, including city and street, of the directors, if any, and principal officers of the person, firm, association, partnership or corporation.

(5) That the records required by Section 29010 of this article are maintained at the address stated, and are true and accurate.

Any change in the items of information required to be included in the affidavit filed pursuant to subdivision (b) shall be reported to the Superintendent of Public Instruction within 20 days of such change.

CHAPTER 1581

An act to amend Section 19491.5 of the Business and Professions Code, relating to horseracing, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 20, 1970. Filed with Secretary of State September 20, 1970.]

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

SECTION 1. Section 19491.5 of the Business and Professions Code is amended to read:

19491.5. Notwithstanding the provisions of subdivision (f) of Section 19491, an association, including the California State Fair and Exposition or the California State Exposition and Fair or a county or district agricultural association fair, which conducts, or whose predecessor association has conducted, a horseracing meeting during the preceding year at which the total amount handled in the parimutuel pools operated by the association, or by such predecessor association, is not more than one hundred twenty-five million dollars ($125 000,000) shall be exempt from payment of that portion of the license fee provided in subdivision (f) of Section 19491 on the amount handled by it under fifty million dollars ($50,000,000).

"Predecessor association," as used in this section, means a person who was previously licensed to conduct racing of the same kind and at the same racing facility as the presently existing association.

It is the intent of the Legislature that the amendment to this section at its 1970 Regular Session shall be deemed to be a clarification of the effect of this section, and that such amendment does not constitute a substantive change.

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 a necessity are:

The Horse Racing Act of 1967 added Section 19491.5 to the Business and Professions Code to exempt all "breakage" on a mutuel handle under fifty million dollars ($50,000,000) from payment toward a racing license. With respect to associations whose handle during the previous year did not exceed one hundred twenty-five million dollars ($125,000,000), Section 19491.6 of such code was added by that act to provide that such exemption, exclusive of the portion thereof which was previously allowed the licensee as a commission, should be used

to improve purse distribution as provided therein. A question subsequently arose as to whether a successor association could qualify for such exemption by its predecessor association's handle during the previous year. Since it was the intent of the Legislature to provide license tax relief to provide funds to improve purse distribution at all tracks whose handle is below one hundred twenty-five million dollars ($125,000,000), it is necessary to achieve such objective by this act going into immediate effect.

CHAPTER 1582

An act to add Article 3 (commencing with Section 3700) to Chapter 2 of Part 2 of Division 4 of the Fish and Game Code, relating to migratory birds and making an appropriation therefor.

[Approved by Governor September 20, 1970. Filed with Secretary of State September 20, 1970.]

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

SECTION 1. Article 3 (commencing with Section 3700) is added to Chapter 2 of Part 2 of Division 4 of the Fish and Game Code, to read:

Article 3. Migratory Birds

3700. It is unlawful for any person, except a person licensed pursuant to subdivision (b) of Section 3031, to take any migratory game bird, except jacksnipe, coots, gallinules, western mourning doves, white-winged doves and band-tailed pigeons, without first procuring a state duck stamp and having such stamp in his possession while taking such birds.

State duck stamps shall be sold for a fee of one dollar ($1) by the department, and persons authorized by the department, in the same manner as hunting licenses. The commission shall determine the form of such duck stamps pursuant to Section 1050.

3701. All funds derived from the sale of state duck stamps shall be deposited in the Fish and Game Preservation Fund. The department shall maintain a State Duck Stamp Account to permit separate accountability for the receipt and expenditure of funds derived from the sale of state duck stamps. An amount not to exceed 10 percent of such funds may be used to reimburse the department for the costs of administering this article. Such amount shall be in addition to compensation allowed persons authorized to issue and sell licenses pursuant to Section 1055.

3702. Funds deposited in the State Duck Stamp Account shall be used for projects approved by the commission for the purpose of protecting and propagating migratory waterfowl and for the preservation of wetlands. The commission

may enter into contracts with nonprofit organizations for the use of such funds outside the state, or outside the United States, when it finds such contracts are necessary for carrying out the purposes of this article.

3703. Before the commission may consider any project which proposes the use of funds from the State Duck Stamp Account, the department shall analyze such project and provide the commission with recommendations as to the project's feasibility and need.

3704. Funds may be allocated by the commission for the preservation of waterfowl habitat in western Canada and for the development of wetlands for migratory waterfowl on the Pacific Flyway.

3705. Before allocating funds to any project to be undertaken outside the state, or outside the United States, the commission shall secure evidence that the project is acceptable to the government agency having jurisdiction over the lands and waters affected by such project.

3706. The commission shall, not later than the fifth calendar day of each regular session, submit a report to the Legislature summarizing activity, including receipt and expenditure of funds, and public benefits achieved pursuant to this article.

SEC. 2. This act shall be operative July 1, 1971, and shall remain in effect only until the 91st day after adjournment of the 1975 Regular Session of the Legislature and shall have no force or effect after that date.

CHAPTER 1583

An act to amend Section 188 of the Streets and Highways Code, relating to the State Highway Fund.

[Approved by Governor September 20, 1970. Filed with Secretary of State September 20, 1970.]

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

SECTION 1. Section 188 of the Streets and Highways Code is amended to read:

188. Subject to the provisions hereinafter contained in this article and in Section 825 all money in the State Highway Fund expended for construction of state highways, including the acquisition of rights-of-way, construction, reconstruction and construction engineering, shall be allocated and expended as follows: 40 percent in County Group No. 1 and 60 percent in County Group No. 2. Not more than one-half of 1 percent of the money allocated to the state highways in a particular group may be used as state aid to joint highway districts within such group in accordance with the laws pertaining to the financing of highways within joint highway districts.

This section shall be known and may be cited as the Barnes-Mills-Walsh formula.

SEC. 2. This act shall become operative on July 1, 1971.

CHAPTER 1584

An act to add Section 1916.5 to the Civil Code, relating to interest.

[Approved by Governor September 20, 1970. Filed with Secretary of State September 20, 1970.]

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

SECTION 1. Section 1916.5 is added to the Civil Code, to read:

1916.5. (a) No provision for a variable interest rate contained in a mortgage contract, deed of trust, real estate sales contract, or any note or negotiable instrument issued in connection therewith shall be valid unless it shall contain the following provisions:

(1) A requirement that when an increase in the interest rate is required or permitted by a movement in a particular direction of a prescribed standard an identical decrease is required in the interest rate by a movement in the opposite direction of the prescribed standard.

(2) The rate of interest shall not change more often than semiannually.

(3) The change in the interest rate shall not exceed one-fourth of 1 percent in any semiannual period.

(4) The borrower is permitted to prepay the loan in whole or in part without a prepayment charge within 90 days of notification of any increase in the rate of interest.

(5) The variable interest rate provision is clearly and prominently disclosed in writing to the borrower prior to the time the loan is made and shall be set forth both in the promissory note and the mortgage or deed of trust.

(b) The provisions of this section shall be applicable only to a mortgage contract, deed of trust, real estate sales contract, or any note or negotiable instrument issued in connection therewith when its purpose is to finance the purchase or construction of real property containing four or fewer residential units or on which four or fewer residential units are to be constructed.

(c) Regulations setting forth the prescribed standard upon which variations in the interest rate shall be based may be adopted by the Savings and Loan Commissioner with respect to savings and loan associations, the Superintendent of Banks with respect to banks, and the Insurance Commissioner with respect to insurers.

(d) As used in this section:

(1) "Bank" includes, but is not limited to, a national banking association.

(2) "Savings and loan association" includes, but is not limited to, a federal savings and loan association, as defined by Section 11000 of the Financial Code.

(3) "Insurer" includes, but is not limited to, a nonadmitted insurance company.

(e) The provisions of this section shall be applicable only to instruments executed on and after the effective date of this section.

CHAPTER 1585

An act to amend Section 39151 of the Health and Safety Code, relating to motor vehicle pollution.

[Approved by Governor September 20, 1970. Filed with Secretary of State September 20, 1970.]

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

SECTION 1. Section 39151 of the Health and Safety Code is amended to read:

39151. No new motor vehicle required pursuant to this part to meet the emission standards in Article 2 (commencing with Section 39100) of this chapter or the standards set pursuant to Section 39052.5 or 39052.6 shall be sold and registered in this state unless the engine and transmission combination used in that vehicle has been approved by the board.

Commencing with 1972 model year motor vehicles, the board shall not approve any such engine and transmission combination which requires a gasoline having a research octane number greater than 91, when used in conjunction with a power train normally associated with that engine and transmission combination.

Vehicle manufacturers shall test engine and transmission combinations in vehicles which are representative of the types of vehicles in which that engine and transmission combination is used.

In approving new motor vehicles, the test procedures established by the board pursuant to Section 39052 shall be conducted with a gasoline having a research octane number not greater than 91.

SEC. 2. Section 39151 of the Health and Safety Code is amended to read:

39151. No new motor vehicle required pursuant to this part to meet the emission standards in Article 2 (commencing with Section 39100) of this chapter or the standards set pursuant to Section 39052.5 or 39052.6 or revised standards set pursuant to subdivision (k) of Section 39052, shall be sold and registered in this state unless the engine and transmission combination used in that vehicle has been approved by the board.

Commencing with 1972 model year motor vehicles, the board shall not approve any such engine and transmission combination which requires a gasoline having a research octane number greater than 91, when used in conjunction with a power train normally associated with that engine and transmission combination.

Vehicle manufacturers shall test engine and transmission combinations in vehicles which are representative of the types of vehicles in which that engine and transmission combination is used.

In approving new motor vehicles, the test procedures established by the board pursuant to Section 39052 shall be conducted with a gasoline having a research octane number not greater than 91.

SEC. 3. It is the intent of the Legislature, if amendments to Section 39151 of the Health and Safety Code proposed by both this bill and A.B. 77 are enacted, that both amendments be given effect and incorporated in Section 39151 in the form set forth in Section 2 of this act. Therefore, in the event A.B. 77 is enacted and amends Section 39151, Section 2 of this act shall become operative at the same time that Section 39151 as amended by A.B. 77 becomes operative, and at that time, Section 39151 of the Health and Safety Code as amended by Section 1 of this act is repealed.

CHAPTER 1586

An act to add Section 9250.5 to the Vehicle Code, relating to motor vehicle air pollution, and making an appropriation therefor.

[Approved by Governor September 20, 1970. Filed with Secretary of State September 20, 1970.]

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

SECTION 1. Section 9250.5 is added to the Vehicle Code, to read:

9250.5. (a) In addition to the registration fee specified in Section 9250, there shall be paid the following registration fee for the registration of a gasoline-powered vehicle, other than a motorcycle, of a 1975 or later model year having a compression ratio of more than 8.5 to 1:

For a vehicle having a compression ratio of:	
More than 8.5 to 1 but under 9.0 to 1	$50
9.0 to 1 or more but under 9.5 to 1	100
9.5 to 1 or more but under 10.0 to 1	150
10.0 to 1 or more but under 10.5 to 1	200
10.5 to 1 or more but under 11.0 to 1	250
11 to 1 or more	300

(b) Subdivision (a) shall not apply to such a motor vehicle whose emission of pollutions is within the allowable limits establish by law or regulation and which does not emit any other deleterious substances.

(c) All fees received by the department pursuant to this section shall be deposited in the Motor Vehicle Pollution Con-

trol Fund in the State Treasury. All money deposited in the fund pursuant to this section shall augment the money appropriated by Section 39068 of the Health and Safety Code to finance studies and projects designed to reduce or eliminate motor-vehicle-caused air pollution.

CHAPTER 1587

An act to amend Sections 1684, 1687, 1688, and 1693 of the Labor Code, relating to farm labor contractors.

[Approved by Governor September 20, 1970. Filed with Secretary of State September 20, 1970.]

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

SECTION 1. Section 1684 of the Labor Code is amended to read:

1684. The Labor Commissioner shall not issue to any person a license to act as a farm labor contractor until:

(a) Such person has executed a written application therefor in a form prescribed by the Labor Commissioner, subscribed and sworn to by such person, accompanied by a filing fee of ten dollars ($10), and containing (1) a statement by such person of all facts required by the Labor Commissioner concerning the applicant's character, competency, responsibility, and the manner and method by which he proposes to conduct his operations as a farm labor contractor if such license is issued, and (2) the names and addresses of all persons, except bona fide employees on stated salaries, financially interested, either as partners, associates or profit sharers, in the proposed operation as a farm labor contractor, together with the amount of their respective interests;

(b) The Labor Commissioner, after investigation, is satisfied as to the character, competency, and responsibility of such person;

(c) Such person has deposited with the Labor Commissioner a surety bond in a penal sum of five thousand dollars ($5,000) or time certificate in the sum of five thousand dollars ($5,000). Such bond or time certificate shall be payable to the people of the State of California and shall be conditioned that said farm labor contractor will comply with all the terms and provisions of this chapter and will pay all damages occasioned to any person by failure so to do, or by any violation of the provisions of this chapter, or false statements or misrepresentations made in the procurement of his license; and

(d) Such person has paid to the Labor Commissioner a license fee of seventy-five dollars ($75).

The Labor Commissioner may charge reasonable legal fees against a time certificate for handling claims, other than wage claims filed against a time certificate deposited pursuant to subdivision (c).

SEC. 2. Section 1687 of the Labor Code is amended to read:

1687. Each license shall contain, on the face thereof:

(1) The name and address of the licensee and the fact that he is licensed to act as a farm labor contractor for the period upon the face of the license only;

(2) The number, date of issuance, and date of expiration of the license;

(3) The amount of the surety bond or time certificate deposited by the licensee; and

(4) The fact that the license may not be transferred or assigned.

(5) The license shall contain on the back thereof the definition of a farm labor contractor, as defined by Section 1682, subdivision (b), of this chapter.

This section shall not become operative until April 1, 1952.

SEC. 3. Section 1688 of the Labor Code is amended to read:

1688. Each license shall run to and include the 31st day of March next following the date thereof unless sooner revoked by the Labor Commissioner and may be renewed each year upon the filing of an application for renewal, a renewed bond or time certificate, and the payment of the annual license fee, but the Labor Commissioner may demand that a new application and a bond or time certificate be submitted.

Where the surety intends to cancel a bond, notice of such cancellation shall be furnished by the surety to the Labor Commissioner prior to the effective date of such cancellation.

SEC. 4. Section 1693 of the Labor Code is amended to read:

1693. All actions brought in any court against any licensee may be brought in the name of the person damaged upon the bond or time certificate deposited with the state by the licensee; provided, however, that the aggregate liability of the surety or on the time certificate to all such persons shall in no event exceed the penal sum of said bond or time certificate. The Labor Commissioner and his deputies and representatives authorized by him in writing may take assignments of such actions and may prosecute such actions on behalf of persons who, in the judgment of the Labor Commissioner, are financially unable to employ counsel, in the same manner that claims are prosecuted under Section 98 of this code. The amount of damage claimed by plaintiff, and not the penalty named in the bond or time certificate, determines the jurisdiction of the court in which the action is brought.

CHAPTER 1588

An act to amend Sections 1684 and 1688 of, and to add Section 1688.5 to, the Labor Code, relating to farm labor.

[Approved by Governor September 20, 1970. Filed with Secretary of State September 20, 1970.]

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

SECTION 1. Section 1684 of the Labor Code is amended to read:

1684. The Labor Commissioner shall not issue to any person a license to act as a farm labor contractor, nor shall he renew such license, until:

(a) Such person has executed a written application therefor in a form prescribed by the Labor Commissioner, subscribed and sworn to by such person, and containing (1) a statement by such person of all facts required by the Labor Commissioner concerning the applicant's character, competency, responsibility, and the manner and method by which he proposes to conduct his operations as a farm labor contractor if such license is issued, and (2) the names and addresses of all persons, except bona fide employees on stated salaries, financially interested, either as partners, associates or profit sharers, in the proposed operation as a farm labor contractor, together with the amount of their respective interests;

(b) The Labor Commissioner, after investigation, is satisfied as to the character, competency, and responsibility of such person;

(c) Such person has deposited with the Labor Commissioner a surety bond in a penal sum of five thousand dollars ($5,000). Such bond shall be payable to the people of the State of California and shall be conditioned that said farm labor contractor will comply with all the terms and provisions of this chapter and will pay all damages occasioned to any person by failure so to do, or by any violation of the provisions of this chapter, or false statements or misrepresentations made in the procurement of his license; and

(d) Such person has paid to the Labor Commissioner a license fee of seventy-five dollars ($75) plus a filing fee of ten dollars ($10). However, where a timely application for renewal is filed, the ten-dollar ($10) filing fee is not required.

(e) Such person in an oral or written examination, or both, demonstrates a degree of knowledge of the laws and administrative regulations concerning farm labor contractors as the Labor Commissioner deems necessary for the safety and protection of farmers, farmworkers and the public. The Labor Commissioner may charge a fee of not more than thirty-five dollars ($35) to cover the cost of administration of the examination. The Labor Commissioner may also renew a license without requiring the applicant for such renewal to take an oral or written examination if he finds that the applicant has complied with the requirements of this chapter.

SEC. 2. Section 1688 of the Labor Code is amended to read:

1688. The license when first issued shall run to the next birthday of the applicant, and each license shall then be renewed within the 30 days preceding the licensee's birthday and shall run from birthday to birthday. In case the applicant is a partnership or corporation, the license for a partnership

shall be renewed within the 30 days preceding the birthday of the oldest partner, and the license for a corporation shall be renewed within the 30 days preceding the anniversary of the date the corporation was lawfully formed. Renewal shall require the filing of an application for renewal, a renewed bond, and the payment of the annual license fee, but the Labor Commissioner may demand that a new application or a new bond be submitted.

SEC. 3. Section 1688.5 is added to the Labor Code, to read:

1688.5. Where the surety intends to cancel a bond, notice of such cancellation shall be furnished by the surety to the Labor Commissioner prior to the effective date of such cancellation.

CHAPTER 1589

An act to amend Section 830.3 of the Penal Code, relating to peace officers.

[Approved by Governor September 20, 1970. Filed with Secretary of State September 20, 1970.]

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 pro-

vision 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) Any welfare fraud investigator or inspector, regularly employed and paid as such by the county welfare department, is a peace officer when individually designated as such by local ordinance or resolution; provided, that the primary duty of any such peace officer shall be the enforcement of the provisions of the Welfare and Institutions Code as set forth in the enforcement sections of such code. Notwithstanding the provisions of Section 171c, 171d, 12027, or 12031, such welfare fraud investigators or inspectors are not peace officers for purposes of such sections except when designated as peace officers for such purposes by local ordinance or resolution.

(q) The authority of any peace officer listed in subdivisions (c) through (p), 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.

CHAPTER 1590

An act to amend Sections 65302, 65305, 65306, 65400, 65401, 65451, 65506, 65800, 65850, and 65860 of, to amend Section 3 of Chapter 1657, Statutes of 1967, to add Section 65553 to, to add Article 10.5 (commencing with Section 65560) to Chapter 3, Title 7 of, and to add Article 4 (commencing with Section 65910) to Chapter 4, Title 7 of, the Government Code, relating to local planning.

[Approved by Governor September 20, 1970 Filed with Secretary of State September 20, 1970.]

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

SECTION 1. Section 65302 of the Government Code is amended to read:

65302. The general plan shall consist of a statement of development policies and shall include a diagram or diagrams and text setting forth objectives, principles, standards, and plan proposals. The plan shall include the following elements:

(a) A land use element which designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, open space, including agriculture, natural resources, recreation, and enjoyment of scenic beauty, education, public buildings and grounds, solid and liquid waste disposal facilities, and other categories of public and private uses of land. The land use element shall include a statement of the standards of population density and building intensity recommended for the various districts and other territory covered by the plan. The land use element shall also identify areas covered by the plan which are subject to flooding and shall be reviewed annually with respect to such areas.

(b) A circulation element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other local public utilities and facilities, all correlated with the land use element of the plan.

(c) A housing element consisting of standards and plans for the improvement of housing and for provision of adequate sites for housing. This element of the plan shall endeavor to make adequate provision for the housing needs of all economic segments of the community.

(d) An open space element as provided in Article 10.5 (commencing with Section 65560) of this chapter.

SEC. 1.5. Section 65302 of the Government Code is amended to read:

65302. The general plan shall consist of a statement of development policies and shall include a diagram or diagrams and text setting forth objectives, principles, standards, and plan proposals. The plan shall include the following elements:

(a) A land use element which designates the proposed gen-

eral distribution and general location and extent of the uses of the land for housing, business, industry, open space, including agriculture, natural resources, recreation, and enjoyment of scenic beauty, education, public buildings and grounds, solid and liquid waste disposal facilities, and other categories of public and private uses of land. The land use element shall include a statement of the standards of population density and building intensity recommended for the various districts and other territory covered by the plan. The land use element shall also identify areas covered by the plan which are subject to flooding and shall be reviewed annually with respect to such areas.

(b) A circulation element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other local public utilities and facilities, all correlated with the land use element of the plan.

(c) A housing element consisting of standards and plans for the improvement of housing and for provision of adequate sites for housing. This element of the plan shall endeavor to make adequate provision for the housing needs of all economic segments of the community.

(d) A conservation element for the conservation, development, and utilization of natural resources including water and its hydraulic force, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources. That portion of the conservation element including waters shall be developed in coordination with any countywide water agency and with all district and city agencies which have developed, served, controlled or conserved water for any purpose for the county or city for which the plan is prepared. The conservation element may also cover:

(1) The reclamation of land and waters.

(2) Flood control.

(3) Prevention and control of the pollution of streams and other waters.

(4) Regulation of the use of land in stream channels and other areas required for the accomplishment of the conservation plan.

(5) Prevention, control, and correction of the erosion of soils, beaches, and shores.

(6) Protection of watersheds.

(7) The location, quantity and quality of the rock, sand and gravel resources.

(e) An open space element as provided in Article 10 (commencing with Section 65360) of this chapter.

SEC. 2. Section 65305 of the Government Code is amended to read:

65305. Whenever a city planning agency is considering a general plan or any part or element thereof it shall be referred to the planning agency of the county in which the city is located, every other county which abuts upon such city, every

city which abuts upon such city, the local agency formation commission of each county in which the city is located or which abuts upon the city, and every county or city in the territory of which is included in said plan or part or element thereof, for the purpose of informing such planning agency or agencies of said plan or part or element thereof and receiving its or their comments thereon. The provisions of this section are directory, not mandatory, and the failure to refer such plan or any part or element thereof as herein provided shall not in any manner affect its validity.

SEC. 3. Section 65306 of the Government Code is amended to read:

65306. Whenever a county planning agency is considering a general plan or any part or element thereof it shall be referred to the planning agency of every city within the county, every other city which abuts upon such county, every county which abuts upon such county, the local agency formation commission of the county and each adjoining county, and every county or city the territory of which is included in said plan or part or element thereof, for the purpose of informing such planning agency or agencies of said plan or part or element thereof and receiving its or their comments thereon. The provisions of this section are directory, not mandatory, and the failure to refer such plan or any part or element thereof as herein provided shall not in any manner affect its validity.

SEC. 4. Section 65400 of the Government Code is amended to read:

65400. After the county or city legislative body has adopted all or part of a general plan, the planning agency shall:

(a) Investigate and make recommendations to the legislative body upon reasonable and practical means for putting into effect the general plan or part thereof, in order that it will serve as a pattern and guide for the orderly physical growth and development and the preservation and conservation of open space land of the county or city and as a basis for the efficient expenditure of its funds relating to the subjects of the general plan; the measures recommended may include plans, regulations, financial reports, and capital budgets.

(b) Render an annual report to the legislative body on the status of the plan and progress in its application.

(c) Endeavor to promote public interest in and understanding of the general plan, and regulations relating to it.

(d) Consult and advise with public officials and agencies, public utility companies, civic, educational, professional and other organizations, and citizens generally with relation to carrying out the general plan.

SEC. 5. Section 65401 of the Government Code is amended to read:

65401. If a general plan or part thereof has been adopted, within such time as may be fixed by the legislative body, each county or city officer, department, board, or commission, and each governmental body, commission, or board, including the

governing body of any special district or school district, whose jurisdiction lies wholly or partially within the county or city, whose functions include recommending, preparing plans for, or constructing, major public works, shall submit to the official agency, as designated by the respective county board of supervisors or city council, a list of the proposed public works recommended for planning, initiation or construction during the ensuing fiscal year. The official agency receiving the list of proposed public works shall list and classify all such recommendations and shall prepare a coordinated program of proposed public works for the ensuing fiscal year. Such coordinated program shall be submitted to the county or city planning agency for review and report to said official agency as to conformity with the adopted general plan or part thereof.

SEC. 7. Section 65451 of the Government Code is amended to read:

65451. Such specific plans may include:

(a) Regulations limiting the location of buildings and other improvements with respect to existing or planned rights-of-way.

(b) Regulations of the use of land and buildings, the height and bulk of buildings, and the open spaces about buildings.

(c) Regulations of the use of open space land.

(d) Street and highway naming and numbering plans in order to establish the official names of streets and highways, to remove conflicts, duplication and uncertainty among such names, and to provide an orderly system for the numbering of buildings and properties.

(e) Such other matters which will accomplish the purposes of this chapter, including procedure for the administration of such regulations.

(f) Such other measures as may be required to insure the execution of the general plan.

SEC. 8. Section 65506 of the Government Code is amended to read:

65506. Nothing in this article applies to the adoption or amendment of any ordinance by the legislative body, whether or not it may relate to the subjects mentioned in Article 8 of this chapter, except ordinances expressly adopting or amending a specific plan initiated pursuant to this chapter.

SEC. 10. Section 65800 of the Government Code is amended to read:

65800. It is the purpose of this chapter to provide for the adoption and administration of zoning laws, ordinances, rules and regulations by counties and cities, as well as to implement such general plan as may be in effect in any such county or city. Except as provided in Article 4 (commencing with Section 65910) of this chapter, the Legislature declares that in enacting this chapter it is its intention to provide only a minimum of limitation in order that counties and cities may exercise the maximum degree of control over local zoning matters.

SEC. 11. Section 65850 of the Government Code is amended to read:

65850. Pursuant to the provisions of this chapter, the legislative body of any county or city by ordinance may:

(a) Regulate the use of buildings, structures and land as between industry, business, residents, open space, including agriculture, recreation, enjoyment of scenic beauty and use of natural resources, and other purposes.

(b) Regulate signs and billboards.

(c) Regulate location, height, bulk, number of stories and size of buildings and structures; the size and use of lots, yards, courts and other open spaces; the percentage of a lot which may be occupied by a building or structure; the intensity of land use.

(d) Establish requirements for offstreet parking and loading.

(e) Establish and maintain building setback lines.

(f) Create civic districts around civic centers, public parks, public buildings or public grounds and establish regulations therefor.

SEC. 12. Section 65860 of the Government Code is amended to read:

65860. Except as provided in Article 4 (commencing with Section 65910), no county or city shall be required to adopt a general plan prior to the adoption of a zoning ordinance.

SEC. 13. Section 3 of Chapter 1657 of the Statutes of 1967 is amended to read:

Sec. 3. Except as provided in Article 10.5 (commencing with Section 65560) of Chapter 3 and Article 4 (commencing with Section 65910) of Chapter 4 of Title 7 of the Government Code, the Legislature does not intend by the enactment of this act to interfere, either directly or indirectly, with local control of zoning.

SEC. 14. Section 65553 is added to the Government Code, to read:

65553. No street shall be improved, no sewers or connections or other improvements shall be laid or public building or works including school buildings constructed within any territory for which the legislative body has adopted a specific plan regulating the use of open-space land until the matter has been referred to the planning agency for a report as to conformity with such specific plan, a copy of the report has been filed with the legislative body, and a finding made by the legislative body that the proposed improvement, connection or construction is in conformity with the specific plan. Such report shall be submitted to the legislative body within forty (40) days after the matter was referred to the planning agency. The requirements of this section shall not apply in the case of a street which was accepted, opened, or had otherwise received the legal status of a public street prior to the adoption of the specific plan.

SEC. 15. Article 10.5 (commencing with Section 65560) is added to Chapter 3 of Title 7 of the Government Code, to read:

Article 10.5. Open-Space Lands

65560. As used in this article and Article 4 (commencing with Section 65910) of Chapter 4, Title 7, unless otherwise apparent from the context, the following definitions shall apply:

(a) "Agricultural land" means land actively used for the purpose of producing an agricultural commodity for commercial purposes. Land may be considered to be "actively used" notwithstanding the fact that in the course of good agricultural practice it is permitted to lie idle for a period up to one year.

(b) "Local open-space plan" is the open-space element of a county or city general plan adopted by the board or council.

(c) "Natural resource land" is land deemed by the legislative body to possess or encompass natural resources, the use or recovery of which can best be realized by restricting the use of the land as provided by this chapter.

(d) "Open-space land" is any parcel or area of land or water which is essentially unimproved and devoted to an open space use as herein defined, and which is designated on a local, regional or state open-space plan as any of the following:

(1) Natural resource land, as defined herein

(2) Agricultural land, as defined herein

(3) Recreation land, as defined herein

(4) Scenic land, as defined herein

(5) Watershed or ground water recharge land, as defined herein

(6) Wildlife habitat, as defined herein.

(e) "Open-space use" means the use of land for (1) public recreation, (2) enjoyment of scenic beauty, (3) conservation or use of natural resources, or (4) production of food or fiber.

(f) "Recreation land" is any area of land or water designated on the state, or any regional or local open-space plan as open-space land and which is actively used for recreation purposes and open to the public for such purposes with or without charge.

(g) Scenic land is land designated on the local open-space plan, as open-space land which possesses outstanding scenic qualities worthy of preservation.

(h) "Watershed or ground water recharge land" is land designated on the state or any regional or local open-space plan as open-space land which is important to the state in order to maintain the quantity and quality of water necessary to the people of the state or any part thereof.

(j) "Wildlife habitat" is any land or water area designated on the state or any regional or local open-space plan as open-space land which is unusually valuable or necessary to the preservation or enhancement of the wildlife resources of the state.

65561. The Legislature finds and declares as follows:

(a) That the preservation of open-space land, as defined in this article, is necessary not only for the maintenance of the

economy of the state, but also for the assurance of the continued availability of land for the production of food and fiber, for the enjoyment of scenic beauty, for recreation and for the use of natural resources.

(b) That discouraging premature and unnecessary conversion of open-space land to urban uses is a matter of public interest and will be of benefit to urban dwellers because it will discourage noncontiguous development patterns which unnecessarily increase the costs of community services to community residents.

(c) That the anticipated increase in the population of the state demands that cities, counties, and the state at the earliest possible date make definite plans for the preservation of valuable open-space land and take positive action to carry out such plans by the adoption and strict administration of laws, ordinances, rules and regulations as authorized by this chapter or by other appropriate methods.

(d) That in order to assure that the interests of all its people are met in the orderly growth and development of the state and the preservation and conservation of its resources, it is necessary to provide for the development by the state, regional agencies, counties and cities, including charter cities, of statewide coordinated plans for the conservation and preservation of open-space lands.

(e) That for these reasons this article is necessary for the promotion of the general welfare and for the protection of the public interest in open-space land.

65562. It is the intent of the Legislature in enacting this article:

(a) To assure that cities and counties recognize that open-space land is a limited and valuable resource which must be conserved wherever possible.

(b) To assure that every city and county will prepare and carry out open-space plans which, along with state and regional open-space plans, will accomplish the objectives of a comprehensive open-space program.

65563. Every city and county shall, by June 30, 1972, prepare and adopt a local open-space plan for the comprehensive and long-range preservation and conservation of open-space land within its jurisdiction.

65564. Every local open-space plan shall contain an action program consisting of specific programs which the legislative body intends to pursue in implementing its open-space plan.

65566. Any action by a county or city by which open-space land or any interest therein is acquired or disposed of or its use restricted or regulated, whether or not pursuant to this part, must be consistent with the local open-space plan.

65567. No building permit may be issued, no subdivision map approved, and no open-space zoning ordinance adopted, unless the proposed construction, subdivision or ordinance is consistent with the local open-space plan.

65568. If any provision of this article or the application thereof to any person is held invalid, the remainder of the article and the application of such provision to other persons shall not be affected thereby.

SEC. 16. Article 4 (commencing with Section 65910) is added to Chapter 4 of Title 7 of the Government Code, to read:

Article 4. Open-Space Zoning

65910. Every city or county by January 1, 1973, shall adopt an open-space zoning ordinance consistent with a local open-space plan adopted pursuant to Article 10.5 (commencing with Section 65560) of Chapter 3 of this title.

65911. Variances from the terms of an open-space zoning ordinance shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

This section shall be literally and strictly interpreted and enforced so as to protect the interest of the public in the orderly growth and development of cities and counties and in the preservation and conservation of open-space lands.

65912. The Legislature hereby finds and declares that this article is not intended, and shall not be construed, as authorizing the city or the county to exercise its power to adopt, amend or repeal an open-space zoning ordinance in a manner which will take or damage private property for public use without the payment of just compensation therefor This section is not intended to increase or decrease the rights of any owner of property under the Constitution of the State of California or of the United States.

SEC. 17. It is the intent of the Legislature, if amendments to Section 65302 of the Government Code proposed by both this bill and A B. 1566 are enacted, that both amendments be given effect and be incorporated in Section 65302 in the form set forth in Section 1.5 of this act. Therefore, in the event A B. 1566 is enacted and amends Section 65302, Section 1.5 of this act shall become operative at the same time that Section 65302 as amended by A.B 1566 becomes operative, and at that time, Section 65302 of the Government Code as amended by Section 1 of this act is repealed.

CHAPTER 1591

An act to amend Section 830.3 of the Penal Code, relating to peace officers.

[Approved by Governor September 20, 1970 Filed with Secretary of State September 20, 1970]

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 coroner and deputy coroners, regularly employed and paid as such, of a county are peace officers. The primary duties of such peace officers are those set forth by Sections

27469 and 27491 through 27491.4, inclusive, of the Government Code.

(q) The authority of any peace officer listed in subdivisions (c) through (p), 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.

CHAPTER 1592

An act to amend Section 24651 of, and to add Article 3 (commencing with Section 25429) to Chapter 1 of Division 18.5 of, the Education Code and to amend Sections 830.3 and 830.4 of the Penal Code, relating to college police.

[Approved by Governor September 20, 1970 Filed with Secretary of State September 20, 1970]

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

SECTION 1. Section 24651 of the Education Code is amended to read:

24651. The trustees may appoint one or more persons to constitute a state college police department for each state college. Persons employed and compensated as members of a state college police department, when so appointed and duly sworn, are peace officers only upon any state college campus and in an area within one mile of the exterior boundaries of each such campus, and in or about other grounds or properties owned, operated, controlled, or administered by the state colleges, or by trustees or the state on behalf of the state colleges.

SEC. 2. Article 3 (commencing with Section 25429) is added to Chapter 1 of Division 18.5 of the Education Code, to read:

Article 3. Community College Police

25429. The governing board of a community college district may establish a community college police department and employ, in accordance with the provisions of Chapter 3 (commencing with Section 13580) of Division 10 such personnel as may be necessary for its needs.

Persons employed and compensated as members of a community college police department, when so appointed and duly sworn, are peace officers only upon the campus of the community college and in or about other grounds or properties owned, operated, controlled, or administered by the community college, or the state on behalf of the community college.

25429.1. Every member of a community college police department shall be supplied with, and authorized to wear, a badge bearing the words "Community College Police", prefaced by the name of the district, and shall be issued a suitable identification card bearing his physical description, photograph, and authority for peace officer status, countersigned by the chief administrative officer of the district. The governing board may direct the wearing of a distinctive uniform and shall prescribe such a uniform. The governing board shall pay for the required uniforms, equipment, identification cards, and badges.

SEC. 3. 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) Members of a state college police department appointed pursuant to Section 24651 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 prescribed in Section 24651 of the Education Code.

(q) Members of a community college police department appointed pursuant to Section 25429 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 prescribed in Section 25429 of the Education Code.

(r) The authority of any peace officer listed in subdivisions (c) through (q), 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. 3. 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) 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.

(7) Any railroad or steamboat company policeman commissioned by the Governor pursuant to Section 8226 of the Public Utilities Code.

(8) Persons designated by a cemetery authority pursuant to Section 8325 of the Health and Safety Code.

(9) 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.

(10) Special officers of the Department of Airports of the City of Los Angeles commissioned by the city police commission.

(11) 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.

(12) 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. 4. 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 1593

An act to amend Section 830.4 of the Penal Code, relating to peace officers.

[Approved by Governor September 20, 1970 Filed with Secretary of State September 20, 1970]

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.

(14) Duly authorized federal employees, when they are engaged in enforcing applicable state or local laws on property owned or possessed by the United States government and with the written consent of the sheriff or the chief of police, respectively, in whose jurisdiction such property is situated.

(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.

CHAPTER 1594

An act to amend Sections 4008, *4038, 4084, 4140, 4142, 4143, 4145, 4226.5, 4231, 4330, and 4331 of, and to add Sections 4036.3 and 4140.7 to the Business and Professions Code, relating to health and safety.*

[Approved by Governor September 20, 1970 Filed with Secretary of State September 20, 1970.]

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

SECTION 1. Section 4008 of the Business and Professions Code is amended to read:

4008. The board may make such rules and regulations, not inconsistent with the laws of this state, as may be necessary for the protection of the public. Included therein shall be the right to make rules and regulations as follows: for the proper and more effective enforcement and administration of this chapter; pertaining to the practice of pharmacy; regulating the sale of poisons; relating to the sanitation of persons and establishments licensed under the provisions of this chapter; pertaining to establishments wherein any drug is compounded, prepared or sold; providing for standards of minimum equipment of establishments licensed under the provisions of this chapter; pertaining to the sale of drugs by or through any mechanical device.

Notwithstanding any provision of this chapter to the contrary, the board may adopt regulations permitting the dispensing of drugs or devices in emergency situations, and permitting dispensing of emergency drugs pursuant to a prescription given by a person licensed to prescribe in a state other than California.

SEC. 1.5. Section 4036.3 is added to the Business and Professions Code, to read:

4036.3. No prescription for a narcotic or restricted dangerous drug transmitted by means of an oral order shall be furnished to any person unknown and unable to properly establish his identity. The board may by regulation establish procedure to prevent unauthorized persons from receiving prescription drugs furnished to a patient or a representative of the patient.

SEC. 2. Section 4038 of the Business and Professions Code is amended to read:

4038. "Wholesaler" means and includes every person who acts as a drug wholesale merchant, broker, jobber, or agent,

who sells for resale, or negotiates for distribution any drug other than those enumerated in Sections 4052 and 4057. Pharmacies and licensed manufacturers are exempt from the provisions of this section.

SEC. 3. Section 4084 of the Business and Professions Code is amended to read:

4084. No person shall act as a wholesaler unless he has obtained a certificate, license, permit, registration or exemption from the board. Upon approval thereof by the board and the payment of the required fee, the board shall issue a certificate, license, permit, registration or exemption to such applicant.

No selling or distribution outlet, located in this state, of any out-of-state manufacturer, which has not obtained a certificate, license, permit, registration, or exemption from the board, which sells or distributes only the drugs of such manufacturer, shall sell or distribute any drug in this state without obtaining a wholesaler's certificate, license, permit, registration, or exemption from the board.

Each certificate, license, permit, registration or exemption shall be required for each place of business owned or operated by a specific person. Separate certificates, licenses, permits, registrations or exemptions shall be required for each place of business owned or operated by a wholesaler. Such certificates, licenses, permits, or registrations shall be renewed annually on or before January 1st of each year, and shall not be transferable.

SEC. 4. Section 4140 of the Business and Professions Code is amended to read:

4140. No person shall furnish, by sale or otherwise, any hypodermic syringe or hypodermic needle if he has not obtained a permit from the board, unless he is authorized to furnish a hypodermic syringe or hypodermic needle without a permit from the board, or unless he is otherwise exempted from such requirement.

The board may, upon written application, on a form furnished by the board, and in its discretion, issue a permit to any person, permitting and authorizing such person to sell and dispense hypodermic syringes and hypodermic needles for the purposes and uses specified in said permit.

SEC. 5. Section 4140.7 is added to the Business and Professions Code, to read:

4140.7. All stocks of hypodermic needles or hypodermic syringes shall be confiscated if found upon any premises which are not in the possession of the person who was issued a permit under Section 4140, unless he is excepted therefrom.

SEC. 6. Section 4142 of the Business and Professions Code is amended to read:

4142. The provisions of this article with reference to hypodermic syringes and needles do not apply to the sale at wholesale by pharmacies, drug jobbers, drug wholesalers and drug manufacturers or manufacturers and dealers in surgical in-

struments to pharmacies, physicians, dentists, podiatrists, veterinarians, or persons to whom a permit has been issued.

SEC. 7. Section 4143 of the Business and Professions Code is amended to read:

4143. (a) It is unlawful for any person to have in his possession or under his control any hypodermic needle or hypodermic syringe.

(b) The provisions of this section do not apply to persons who have acquired possession and control of a hypodermic needle or hypodermic syringe in accordance with the provisions of this code authorizing and regulating the furnishing, possession and use of such needles and syringes.

Any used hypodermic needle or hypodermic syringe which is to be disposed of shall be destroyed in such a manner as to render such unit or units unfit for reuse in any manner.

SEC. 8. Section 4145 of the Business and Professions Code is amended to read:

4145. No hypodermic needle or hypodermic syringe shall be sold at retail except upon the prescription of a physician and surgeon, dentist, veterinarian, or podiatrist.

SEC. 9. Section 4226.5 of the Business and Professions Code is amended to read:

4226.5. In order to provide a physician and surgeon, a dentist, a podiatrist, or a veterinarian with hypnotic drugs for administration to patients in accordance with Sections 4213, 4216, and 4226, a licensed pharmacy, or a licensed wholesaler, or a licensed manufacturer of drugs, may furnish hypnotic drugs to such a practitioner upon receipt of an order giving the date, address, license classification, and name of the practitioner; the name, type, strength, and quantity of the hypnotic drug so ordered; and the words: "For Administration to Immediate Needs of Patients." Such order may not exceed 100 dose units, and shall be signed by the practitioner and shall be placed in a separate file in the pharmacy or by the wholesaler or manufacturer as a record of the drugs so furnished.

SEC. 10. Section 4231 of the Business and Professions Code is amended to read:

4231. All stock of any dangerous drug of a manufacturer, wholesaler, pharmacy, physician, dentist, podiatrist, veterinarian, laboratory, shipments through a customs broker or carrier shall be at all times during business hours open to inspection by authorized officers of the law.

SEC. 11. Section 4330 of the Business and Professions Code is amended to read:

4330. When called upon by an officer, a member of the board, or a duly authorized inspector, the owner or manager of any pharmacy or other store, shop, building, or premises retailing or storing drugs, medicines or poisons shall furnish the officer, member or inspector with the names of the owner or owners, manager or managers, and employees together with

a brief statement of the capacity in which these persons are employed on such premises.

SEC. 12. Section 4331 of the Business and Professions Code is amended to read:

4331. All prescriptions filled shall be kept on file and open for inspection by duly constituted authorities for a period of at least three years, and any person who willfully fails to do so is guilty of a misdemeanor, and upon conviction thereof shall be liable to a fine of not exceeding fifty dollars ($50), and for each subsequent offense shall be liable to a fine of not less than fifty dollars ($50), and not more than one hundred dollars ($100).

SEC. 13. Section 4140 of the Business and Professions Code is amended to read:

4140. No person shall furnish, by sale or otherwise, any hypodermic syringe or hypodermic needle, if he has not obtained a permit from the board, unless he is authorized to furnish a hypodermic syringe or hypodermic needle without a permit from the board, or unless he is otherwise exempted from such requirement.

The board may, upon written application, on a form furnished by the board, and in its discretion, issue a permit to any person, permitting and authorizing such person to sell and dispense hypodermic syringes and hypodermic needles for the purposes and uses specified by the board.

SEC. 14. It is the intent of the Legislature that in the event the Governor's Reorganization Plan No. 2 of 1970 becomes effective, Section 4140 of the Business and Professions Code as set forth in Section 13 of this act shall become operative, Section 4140 of the Business and Professions Code as amended by Section 4 of this act shall not take effect, and any conflicting provisions of the Governor's Reorganization Plan No. 2 inconsistent with Section 13 of this act or with any other provisions of this act are repealed.

CHAPTER 1595

An act to amend Section 11901 of the Health and Safety Code, relating to restricted dangerous drugs.

[Approved by Governor September 20, 1970 Filed with Secretary of State September 20, 1970.]

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

SECTION 1. Section 11901 of the Health and Safety Code is amended to read:

11901. "Restricted dangerous drugs," as used in this division, means any of the following:

(a) "Hypnotic drug" including acetyluria derivatives, barbituric acid derivatives, chloral, paraldehyde, sulfomethane

derivatives, or any compounds or mixtures or preparations that may be used for producing hypnotic effects.

(b) "Amphetamine" including amphetamine, desoxyephedrine, or compounds or mixtures thereof.

(c) "Hallucinogenic drug" including "lysergic acid," "LSD" (lysergic acid diethylamide) and "DMT" (N-N-dimethyltryptamine), "STP" (4-methyl-2,5-dimethoxy alpha methyl phenethylamine), "psilocybin" (ortho-phosphoryl-4-hydroxy-N,N-dimethyltryptamine), "MDA" (alpha-methyl-3,-4-methylenedioxyphenethylamine), "PCP" (1-phenyl-1-piperidinocyclohexane), including their salts and derivatives, or any compounds, mixtures, or preparations which are chemically identical with such substances.

(d) Any other substance or preparation, which the Department of Public Health, after investigation, has found to have, and by regulation adopted pursuant to the Administrative Procedure Act designates as having, a potential for abuse because of its hallucinogenic effect; except that the department shall not designate under this subdivision any substance included in Section 11001 or 11002 of this code or Section 23004 of the Business and Professions Code. The authority of the department to adopt regulations pursuant to this subdivision shall not be exercised except during those times when the Legislature is not meeting in regular session. The department may, by regulation, exempt any hallucinogenic drug, other than those listed in subdivision (c), from the application of all or part of this division when it finds that regulation of such drug as provided in this division is not necessary for the protection of the public health. Substances or preparations designated by regulations adopted pursuant to this subdivision shall be the same insofar as practicable as those designated as having a potential for abuse because of their hallucinogenic effect by the United States Department of Health, Education, and Welfare. Any regulation adopted pursuant to this subdivision shall be drafted in the form of a proposed law for submission to the next succeeding regular session of the Legislature and shall not remain in effect beyond 61 days after the final adjournment of that session of the Legislature. Notwithstanding any other provision of law, any violation of Section 11910 which involves solely a substance or preparation designated pursuant to this subdivision shall be punished by a fine of not more than five hundred dollars ($500) or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment; any violation of any other provision of this division which involves solely a substance or preparation designated pursuant to this subdivision shall be punished by a fine of not more than one thousand dollars ($1,000) or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment.

CHAPTER 1596

An act to amend Sections 4049, 4227, 4230, 4232, 4234, and 4235 of, and to repeal Sections 4222, 4223, 4224, 4225, 4226, and 4226.5 of, the Business and Professions Code, and to amend Sections 11901, 11903, 11925.1, 11925.2, 11925.3, and 11925.4 of, to add Sections 11900, 11900.5, and 11919 to, to add Chapter 1.5 (commencing with Section 11904) to Division 10.5 of, and to repeal Section 11904 of, the Health and Safety Code, relating to restricted dangerous drugs.

[Approved by Governor September 20, 1970. Filed with Secretary of State September 20, 1970.]

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

SECTION 1. Section 4049 of the Business and Professions Code is amended to read:

4049. "Dispense" means the furnishing of drugs upon a prescription from a physician, dentist, podiatrist or veterinarian.

SEC. 2. Section 4222 of the Business and Professions Code is repealed.

SEC. 3. Section 4223 of the Business and Professions Code is repealed.

SEC. 4. Section 4224 of the Business and Professions Code is repealed.

SEC. 5. Section 4225 of the Business and Professions Code is repealed.

SEC. 6. Section 4226 of the Business and Professions Code is repealed.

SEC. 7. Section 4226.5 of the Business and Professions Code is repealed.

SEC. 8. Section 4227 of the Business and Professions Code is amended to read:

4227. No person shall furnish any dangerous drug except upon the prescription of a physician, dentist, podiatrist or veterinarian.

The provisions of this section do not apply to the furnishing of any dangerous drug by a manufacturer or wholesaler or pharmacy to each other or to a physician, dentist, podiatrist or veterinarian or to a laboratory under sales and purchase records that correctly give the date, the names and addresses of the supplier and the buyer, the drug and its quantity.

SEC. 9. Section 4230 of the Business and Professions Code is amended to read:

4230. No person shall have in possession any preparation included in subdivision (a) or (c) of Section 4211 except that furnished to such person upon the prescription of a physician, dentist, chiropodist, or veterinarian. The provisions of this section do not apply to the possession of any drug defined in subdivision (a) or (c) of Section 4211 by a manufacturer

or wholesaler or a pharmacy or physician or chiropodist or dentist or veterinarian or laboratory when in stock in containers correctly labeled with the name and address of the supplier or producer.

SEC. 10. Section 4232 of the Business and Professions Code is amended to read:

4232. All records of manufacture and of sale, purchase or disposition of dangerous drugs shall be at all times, during business hours, open to inspection by authorized officers of the law, and shall be preserved for at least three years from the date of making. A current inventory shall be kept by every manufacturer, wholesaler, pharmacy, physician, dentist, podiatrist, veterinarian, laboratory, clinic, hospital, institution, or establishment holding a currently valid and unrevoked certificate, license, permit, registration or exemption under Division 2 (commencing with Section 1200) of the Health and Safety Code or under Part 3 (commencing with Section 1620) of Division 2 of, Chapter 2 (commencing with Section 2300) of Division 3 of, or Part 2 (commencing with Section 5699) of Division 6 of the Welfare and Institutions Code who maintains a stock of dangerous drugs.

Any person who fails, neglects, or refuses to maintain such records or who, when called upon by an authorized officer or a member of the board, fails, neglects or refuses to produce such records within a reasonable time, or who willfully produces or furnishes records which are false, is guilty of a misdemeanor.

SEC. 11. Section 4234 of the Business and Professions Code is amended to read:

4234. Every person who violates any provision of this article with respect to dangerous drugs other than any preparation included in subdivision (a) or (c) of Section 4211 by use of a minor as an agent is guilty of a felony.

Nothing contained in this section shall apply to a registered pharmacist furnishing such drugs pursuant to a prescription.

SEC. 12. Section 4235 of the Business and Professions Code is amended to read:

4235. Every person who violates any provision of this article other than Section 4230 or Section 4227 insofar as sections relate to any preparation included in subdivision (a) or (c) of Section 4211, is guilty of a misdemeanor.

SEC. 12.5. Section 11900 is added to the Health and Safety Code, to read:

11900. This division shall be known as the "Drug Abuse Control Act of 1970."

SEC. 13. Section 11900.5 is added to the Health and Safety Code, to read:

11900.5. The Legislature hereby declares that the purpose of this division is to implement effective controls against diversion of restricted dangerous drugs into other than legitimate medical, scientific, or industrial channels and to prevent illegal manufacture, distribution, possession, and improper use

of such drugs which cause a substantial and detrimental effect on the health and welfare of the people of the State of California.

SEC. 14. Section 11901 of the Health and Safety Code is amended to read:

11901. "Restricted dangerous drugs," as used in this division, means any of the following:

(a) "Hypnotic drug" including acetyluria derivatives, barbituric acid derivatives, chloral, paraldehyde, sulfomethane derivatives, or any compounds or mixtures or preparations that may be used for producing hypnotic effects.

(b) "Amphetamine" including amphetamine, desoxyephedrine, phenmetrazine, methylphenidate, or compounds or mixtures thereof.

(c) "Lysergic acid," "LSD" (lysergic acid diethylamide) and "DMT" (N-N-dimethyltryptamine), including their salts and derivatives, or any compounds, mixtures, or preparations which are chemically identical with such substances.

(d) Any other substance or preparation, which the Department of Public Health, after investigation, has found to have, and by regulation adopted pursuant to the Administrative Procedure Act designates as having, a potential for abuse because of its hallucinogenic effect; except that the department shall not designate under this subdivision any substance included in Section 11001 or 11002 of this code or Section 23004 of the Business and Professions Code. The authority of the department to adopt regulations pursuant to this subdivision shall not be exercised except during those times when the Legislature is not meeting in regular session. The department may, by regulation, exempt any hallucinogenic drug, other than those listed in subdivision (c), from the application of all or part of this division when it finds that regulation of such drug as provided in this division is not necessary for the protection of the public health. Substances or preparations designated by regulations adopted pursuant to this subdivision shall be the same insofar as practicable as those designated as having a potential for abuse because of their hallucinogenic effect by the United States Department of Health, Education, and Welfare. Any regulation adopted pursuant to this subdivision shall be drafted in the form of a proposed law for submission to the next succeeding regular session of the Legislature and shall not remain in effect beyond 61 days after the final adjournment of that session of the Legislature. Notwithstanding any other provision of law, any violation of Section 11910 which involves solely a substance or preparation designated pursuant to this subdivision shall be punished by a fine of not more than five hundred dollars ($500) or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment; any violation of any other provision of this division which involves solely a substance or preparation designated pursuant to this subdivision shall be punished by a fine of not more than one thousand dollars

($1,000) or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment.

SEC. 14.2. Section 11901 of the Health and Safety Code is amended to read:

11901. "Restricted dangerous drugs," as used in this division, means any of the following:

(a) "Hypnotic drug" including acetyluria derivatives, barbituric acid derivatives, chloral, paraldehyde, sulfomethane derivatives, or any compounds or mixtures or preparations that may be used for producing hypnotic effects.

(b) "Amphetamine" including amphetamine, desoxyephedrine, phenmetrazine, methylphenidate, or compounds or mixtures thereof.

(c) "Hallucinogenic drug" including "lysergic acid," "LSD" (lysergic acid diethylamide) and "DMT" (N-N-dimethyltryptamine), "STP" (4-methyl-2,5-dimethoxy alpha methyl phenethylamine), "psilocybin" (ortho-phosphoryl-4-hydroxy-N, N-dimethyltryptamine), "MDA" (alpha-methyl-3,-4-methylenedioxyphenethylamine), "PCP" (1-phenyl-1-piperidinocyclohexane), including their salts and derivatives, or any compounds, mixtures, or preparations which are chemically identical with such substances.

(d) Any other substance or preparation, which the Department of Public Health, after investigation, has found to have, and by regulation adopted pursuant to the Administrative Procedure Act designates as having, a potential for abuse because of its hallucinogenic effect; except that the department shall not designate under this subdivision any substance included in Section 11001 or 11002 of this code or Section 23004 of the Business and Professions Code. The authority of the department to adopt regulations pursuant to this subdivision shall not be exercised except during those times when the Legislature is not meeting in regular session. The department may, by regulation, exempt any hallucinogenic drug, other than those listed in subdivision (c), from the application of all or part of this division when it finds that regulation of such drug as provided in this division is not necessary for the protection of the public health. Substances or preparations designated by regulations adopted pursuant to this subdivision shall be the same insofar as practicable as those designated as having a potential for abuse because of their hallucinogenic effect by the United States Department of Health, Education, and Welfare. Any regulation adopted pursuant to this subdivision shall be drafted in the form of a proposed law for submission to the next succeeding regular session of the Legislature and shall not remain in effect beyond 61 days after the final adjournment of that session of the Legislature. Notwithstanding any other provision of law, any violation of Section 11910 which involves solely a substance or preparation designated pursuant to this subdivision shall be punished by a fine of not more than five hundred dollars ($500) or by imprisonment in the county jail not exceeding six months, or by both

such fine and imprisonment; any violation of any other provision of this division which involves solely a substance or preparation designated pursuant to this subdivision shall be punished by a fine of not more than one thousand dollars ($1,000) or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment.

SEC. 14.5. Section 11901 of the Health and Safety Code is amended to read:

11901. "Restricted dangerous drugs," as used in this division, means any of the following:

(a) "Hypnotic drug" including acetyluria derivatives, barbituric acid derivatives, chloral, paraldehyde, sulfomethane derivatives, or any compounds or mixtures or preparations that may be used for producing hypnotic effects.

(b) "Amphetamine" including amphetamine, desoxyephedrine, phenmetrazine, methylphenidate, or compounds or mixtures thereof.

(c) "Lysergic acid," "LSD" (lysergic acid diethylamide) and "DMT" (N-N-dimethyltryptamine), including their salts and derivatives, or any compounds, mixtures, or preparations which are chemically identical with such substances.

(d) Marijuana (Cannabis sativa), its derivatives or compounds.

(e) Any other substance or preparation, which the Department of Public Health, after investigation, has found to have, and by regulation adopted pursuant to the Administrative Procedure Act designates as having, a potential for abuse because of its hallucinogenic effect; except that the department shall not designate under this subdivision any substance included in Section 11001 or 11002 of this code or Section 23004 of the Business and Professions Code. The authority of the department to adopt regulations pursuant to this subdivision shall not be exercised except during those times when the Legislature is not meeting in regular session. The department may, by regulation, exempt any hallucinogenic drug, other than those listed in subdivision (c), from the application of all or part of this division when it finds that regulation of such drug as provided in this division is not necessary for the protection of the public health. Substances or preparations designated by regulations adopted pursuant to this subdivision shall be the same insofar as practicable as those designated as having a potential for abuse because of their hallucinogenic effect by the United States Department of Health, Education, and Welfare. Any regulation adopted pursuant to this subdivision shall be drafted in the form of a proposed law for submission to the next succeeding regular session of the Legislature and shall not remain in effect beyond 61 days after the final adjournment of that session of the Legislature. Notwithstanding any other provision of law, any violation of Section 11910 which involves solely a substance or preparation designated pursuant to this subdivision shall be punished by a fine of not more than five hundred dollars ($500) or by imprisonment in the county jail not

exceeding six months, or by both such fine and imprisonment: any violation of any other provision of this division which involves solely a substance or preparation designated pursuant to this subdivision shall be punished by a fine of not more than one thousand dollars ($1,000) or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment.

SEC. 14.7. Section 11901 of the Health and Safety Code is amended to read:

11901. "Restricted dangerous drugs," as used in this division, means any of the following:

(a) "Hypnotic drug" including acetyluria derivatives, barbituric acid derivatives, chloral, paraldehyde, sulfomethane derivatives, or any compounds or mixtures or preparations that may be used for producing hypnotic effects.

(b) "Amphetamine" including amphetamine, desoxyephedrine, phenmetrazine, methylphenidate, or compounds or mixtures thereof.

(c) "Hallucinogenic drug" including "lysergic acid," "LSD" (lysergic acid diethylamide) and "DMT" (N-N-dimethyltryptamine), "STP" (4-methyl-2,5-dimethoxy alpha methyl phenethylamine), "psilocybin" (ortho-phosphoryl-4-hydroxy-N, N-dimethyltryptamine), "MDA" (alpha-methyl-3,-4-methylenedioxyphenethylamine), "PCP" (1-phenyl-1-piperidinocyclohexane), including their salts and derivatives, or any compounds, mixtures, or preparations which are chemically identical with such substances.

(d) Marijuana (Cannabis sativa), its derivatives or compounds.

(e) Any other substance or preparation, which the Department of Public Health, after investigation, has found to have, and by regulation adopted pursuant to the Administrative Procedure Act designates as having, a potential for abuse because of its hallucinogenic effect; except that the department shall not designate under this subdivision any substance included in Section 11001 or 11002 of this code or Section 23004 of the Business and Professions Code. The authority of the department to adopt regulations pursuant to this subdivision shall not be exercised except during those times when the Legislature is not meeting in regular session. The department may, by regulation, exempt any hallucinogenic drug, other than those listed in subdivision (c), from the application of all or part of this division when it finds that regulation of such drug as provided in this division is not necessary for the protection of the public health. Substances or preparations designated by regulations adopted pursuant to this subdivision shall be the same insofar as practicable as those designated as having a potential for abuse because of their hallucinogenic effect by the United States Department of Health, Education, and Welfare. Any regulation adopted pursuant to this subdivision shall be drafted in the form of a proposed law for submission to the next succeeding regular session of the Legis-

lature and shall not remain in effect beyond 61 days after the final adjournment of that session of the Legislature. Notwithstanding any other provision of law, any violation of Section 11910 which involves solely a substance or preparation designated pursuant to this subdivision shall be punished by a fine of not more than five hundred dollars ($500) or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment; any violation of any other provision of this division which involves solely a substance or preparation designated pursuant to this subdivision shall be punished by a fine of not more than one thousand dollars ($1,000) or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment.

SEC. 15. Section 11903 of the Health and Safety Code is amended to read:

11903. (a) "Prescription" means an order given individually for the person for whom prescribed, directly from the prescriber to the furnisher or indirectly by means of an order signed by the prescriber and shall bear the name and address of the prescriber, his license classification, the name and address of patient, name and quantity of drug or drugs prescribed, directions for use and the date of issue.

(b) "Bureau" means the Bureau of Narcotic Enforcement of the Department of Justice.

(c) "Board" means the California State Board of Pharmacy.

(d) "Physician," "dentist," "podiatrist," "pharmacist," and "veterinarian" mean persons who are licensed to practice their respective professions in this state.

(e) "Customs broker" means a person in this state who is authorized to act as a broker for any of the following:

(1) A person in this state who is licensed to sell, distribute, or otherwise possess restricted dangerous drugs.

(2) A person in any other state who ships restricted dangerous drugs into this state.

(3) A person in this state or any other state who ships or transfers restricted dangerous drugs through this state.

(f) "Manufacturer" has the same meaning as provided in Section 4034 of the Business and Professions Code.

(g) "Pharmacy" has the same meaning as provided in Section 4035 of the Business and Professions Code.

(h) "Wholesaler" has the same meaning as provided in Section 4038 of the Business and Professions Code.

(i) "Dispense" has the same meaning as provided in Section 4049 of the Business and Professions Code.

(j) "Furnish" has the same meaning as provided in Section 4048.5 of the Business and Professions Code.

SEC. 16. Section 11904 of the Health and Safety Code is repealed.

SEC. 17. Chapter 1.5 (commencing with Section 11904) is added to Division 10.5 of the Health and Safety Code, to read:

CHAPTER 1.5. REGULATION AND CONTROL

Article 1. Reporting

11904. (a) Any manufacturer, wholesaler, warehouseman, customs broker, or other person who sells, ships, transfers, or otherwise furnishes any restricted dangerous drug to any person in this state shall submit a monthly report to the board of all such drugs.

(b) This section shall not apply to any of the following:

(1) Any pharmacist or other authorized person who sells or furnishes such drug upon the prescription of a physician, dentist, podiatrist, or veterinarian.

(2) Any physician, dentist, podiatrist, or veterinarian who administers or furnishes such drug to his patients.

(3) Any agent, or employee, of any licensed manufacturer, wholesaler, or dispenser of any restricted dangerous drug if such agent stores such drug for sample purposes or furnishes such drug as a sample at no cost to a licensed pharmacist, physician, dentist, podiatrist, or veterinarian.

11904.3. (a) Any person who receives or stores any restricted dangerous drug which has been shipped or otherwise transferred to him shall submit a monthly report to the board of all such drugs.

(b) This section shall not apply to any person who obtains the drug upon the prescription of a physician, dentist, podiatrist, or veterinarian for his personal use or any person who receives or furnishes a restricted dangerous drug pursuant to paragraph (3) of subdivision (b) of Section 11904.

11904.7. For purposes of Section 11904, and 11904.3, the board shall provide a common reporting form which contains at least the following information:

(a) Name of the drug.

(b) Quantity of the drug shipped, transferred, or received.

(c) The month the shipment was sent, transferred, or received.

(d) Identity of the person receiving such drug and the person shipping such drug.

11904 8. Any restricted dangerous drug which is carried for display purposes by a salesman or other agent of a manufacturer shall be stored pursuant to the rules and regulations which are adopted by the board.

11904.9. The theft or loss of any restricted dangerous drug discovered by any licensee or any person regulated by the provisions of this chapter shall be reported to the board no later than five days after such discovery.

Any difference between the quantity of the drug received and the quantity of the drug shipped shall be reported to the board within five days of the receipt of actual knowledge of the discrepancy.

Any report made pursuant to this section shall also include the name of the common carrier or person who transports the drug and date of shipment of the drug.

11904.10. The board shall establish and maintain a data system containing restricted dangerous drug inventory records and records of restricted dangerous drugs forms provided pursuant to Sections 11904, and 11904.3. Information obtained from the restricted dangerous drug data system shall be used to monitor the movement of restricted dangerous drugs within this state. The board shall periodically supply the bureau with such information as the bureau deems is necessary for effective surveillance and control.

Article 2. Licenses: Customs Brokers and Warehouses

11906. Upon application, the board may issue a customs broker's license. Such license authorizes the transfer of a restricted dangerous drug to persons who are licensed to sell, distribute, or otherwise possess such drug. The holder of such a license may receive, possess, export, and transfer such drugs to such persons.

11906.1. A customs broker in this state shall not ship or transfer any restricted dangerous drug to any of the following persons:

(a) Any person in this state who is not licensed or authorized to sell, distribute, or otherwise possess the drug.

(b) Any person in any other state who is not licensed or authorized by such state to sell, distribute, or otherwise possess the drug.

(c) Any person in a foreign jurisdiction who does not have a legitimate reason to possess the drug.

11906.2. (a) A restricted dangerous drug shall be stored only in a warehouse which is licensed by the board.

(b) This section shall not apply to any of the following persons:

(1) Any pharmacy or other person who is licensed or authorized by this state to sell or furnish the drug upon the written prescription of a physician, dentist, podiatrist, or veterinarian.

(2) Any physician, dentist, podiatrist, or veterinarian who possesses a restricted dangerous drug for administration to his patients.

(3) Any licensed laboratory in this state which is authorized to receive and use the drug.

(4) Any licensed hospital in this state.

(5) Any person who obtains the drug upon the prescription of a physician, dentist, podiatrist, or veterinarian for his personal use.

(6) Any agent or employee of any licensed manufacturer or wholesaler who possesses the drug for display purposes or furnishes such drugs as a sample at no cost to a licensed pharmacist, physician, dentist, podiatrist, or veterinarian.

(7) A manufacturer licensed pursuant to Section 26310 or Section 4084 or 4084.6 of the Business and Professions Code.

(8) A wholesaler licensed pursuant to Section 4084 or 4084.6 of the Business and Professions Code.

11906.3. (a) Upon application, the board may issue a license to store restricted dangerous drugs to a warehouseman who maintains a warehouse suitable for the proper storage of the drugs.

(b) The board shall by regulation establish security measures in order to prevent unauthorized persons from gaining access to any area, place or premises in which restricted dangerous drugs are stored, kept or maintained. Prior to the issuance of a license under this article, the board shall inspect an applicant's establishment to determine compliance with security regulations adopted by the board.

(c) As a condition to the granting of the license, the warehouseman shall agree to comply with the provisions of this division and any rules and regulations which are adopted by the board.

11906.4. On or before the effective date of this chapter, each licensed warehouseman shall make a complete and accurate record of all stocks of such restricted dangerous drugs on hand. Thereafter, a current inventory shall be kept and preserved for at least two years from the date of making such inventory. Records and inventories shall contain such information as shall be provided by the rules and regulations promulgated by the board.

Such records shall be submitted in summary form to the board on or before July 1, 1971, and every two years thereafter.

The board shall have the right to inspect such records at the business office of the licensee at any time during business hours.

11906.5. Each warehouseman who applies for a license to store a restricted dangerous drug shall execute and file with the board a bond to the state as a condition to the granting of the license. The bond shall secure the faithful performance of the warehouseman of his obligations under the laws of the state and the rules and regulations which are adopted pursuant to this division and such additional obligations which he may assume under a contract with the depositor of the drug. The board may prescribe the form, amount, terms, and conditions of the bond.

11906.6. Any person who is injured by the breach of any obligation secured by the bond which is executed and filed pursuant to Section 11906.5 may sue on the bond in his own name in any court of competent jurisdiction to recover any damages he may have sustained by such breach.

11907. (a) The provisions of this article shall apply only to licenses issued by the board for customs brokers and warehouses which store restricted dangerous drugs.

(b) The board shall have authority to issue licenses for customs brokers and warehouses which store restricted dangerous drugs. Such licenses shall be issued in accordance with the provisions of this chapter and regulations adopted by the board pursuant thereto. All licenses issued by the board shall

expire one year from the date of issue. Licenses may be renewed upon application and payment of the renewal fees if the application for renewal is made within the 30-day period prior to the date of expiration. Persons whose licenses have expired shall immediately cease the activity requiring a license, but the board shall accept applications for renewal during the 30-day period following the date of expiration if they are accompanied by the new license fee. In no case shall a license be renewed where the application is received more than 30 days after the date of expiration.

(c) Each application for a new or renewal license shall be accompanied by a fee which shall be fixed by the board at an amount not to exceed two hundred dollars ($200). The application shall be made upon a form furnished by the board. It shall contain such information concerning the background of the applicant and his experience which the board may prescribe, in addition to any other information required by law.

11907.1. (a) Licenses issued by the board shall not be transferable.

(b) In the event of a change of name, not involving a change of ownership, or a change of address of the licensee, the license shall be returned to the board for cancellation, and a new license application form shall be submitted. The board shall cancel the returned license and issue a new license for the unexpired term without fee.

11907.2. (a) Any license issued may be suspended or revoked by the board. The board may refuse to issue a license to any applicant for the reasons set forth in subdivision (b).

The proceedings under this chapter 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.

(b) The board may deny a license if the applicant does or has done any of the following:

(1) Fails to meet the qualifications established by the board pursuant to this chapter for the issuance of the license applied for.

(2) Was previously the holder of a license issued under this chapter which has been revoked and never reissued or was suspended and the terms of the suspension have not been fulfilled.

(3) Has committed any act which, if committed by any licensee, would be grounds for the suspension or revocation of a license issued pursuant to this chapter.

(4) Has committed any act involving dishonesty, fraud, or deceit whereby another is injured or the applicant has benefited.

(5) Has acted in the capacity of a licensed person under this division without having a license therefor.

(6) Has entered a plea of guilty or nolo contendere to, or been found guilty or convicted of, a felony or a crime involving moral turpitude and the time for appeal has elapsed or the

judgment of conviction has been affirmed on appeal, irrespective of an order granting probation following the conviction or suspending the imposition of sentence, or of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing the person to withdraw his plea of guilty and to enter a plea of not guilty, setting aside the plea or verdict of guilty, or dismissing the accusation, information, or indictment.

(7) Violated any of the provisions of this division or Division 10 (commencing with Section 11000).

11907.3. The board may suspend, revoke, or take other disciplinary action against a license as provided in this chapter if the licensee does any of the following:

(a) Violates any section of this division or Division 10 (commencing with Section 11000) which relates to his licensed activities.

(b) Is convicted of any felony.

(c) Violates any of the regulations promulgated by the board pursuant to this chapter.

(d) Has misrepresented a material fact in obtaining a license.

(e) Aids or abets an unlicensed person to evade the provisions of this division.

(f) Fails to make and keep records showing his transactions as a licensee, or fails to have such records available for inspection by the board for a period of not less than three years after completion of any transaction to which the records refer, or refuses to comply with a written request of the board to make such records available for inspection.

(g) Violates or attempts to violate the provisions of this division relating to the particular activity for which he is licensed.

(h) Fails to send a copy of the monthly reporting form to the board as required by the provisions of this chapter.

11907.4. A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this chapter. The board may order the license suspended or revoked, or may decline to issue a license, when the time for appeal has elapsed, the judgment of conviction has been affirmed on appeal, or an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his plea of guilty and to enter a plea of not guilty, setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

11907.5. The board may take disciplinary action against any licensee, after a hearing as provided in this chapter, by any of the following:

(a) Imposing probation upon terms and conditions to be set forth by the board.

(b) Suspending the license.

(c) Revoking the license.

11907.6. The expiration or suspension of a license by operation of law or by order or decision of the board or a court, or the voluntary surrender of a license by a licensee, shall not deprive the board of jurisdiction to proceed with any investigation of, or action or disciplinary proceedings against, the licensee, or to render a decision suspending or revoking the license.

11907.7. All accusations against licensees shall be filed within three years after the act or omission alleged as the ground for disciplinary action.

11907.8. When any license has been revoked or suspended following a hearing under the provisions of this chapter, any additional license issued under this chapter in the name of the licensee may also be revoked or suspended by the board.

11907.9. After suspension of the license upon any of the grounds set forth in this chapter, the board 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 chapter, the license shall not be reinstated or reissued within a period of one year after the effective date of revocation.

SEC. 18. Section 11919 is added to the Health and Safety Code, to read:

11919. (a) Except as otherwise provided by law, any person who negligently violates any provision of Chapter 1.5 (commencing with Section 11904) of this division is liable for the payment of a civil fine of not more than five hundred dollars ($500). The Attorney General shall bring and maintain any cause of action provided for in this subdivision. All funds collected from such an action shall be deposited in the State Treasury.

(b) If a violation of any provision of Chapter 1.5 (commencing with Section 11904) of this division, however, is committed with knowledge of the unlawfulness of such act or omission, such person is punishable by imprisonment for not more than one year, or a fine of not more than twenty-five thousand dollars ($25,000), or both.

SEC. 19. Section 11925.1 of the Health and Safety Code is amended to read:

11925.1. All restricted dangerous drugs that have been seized under this division shall, by order of the court upon the conviction of the owner or defendant, be turned over to the bureau for destruction or disposition.

SEC. 20. Section 11925.2 of the Health and Safety Code is amended to read:

11925.2. Restricted dangerous drugs seized under this division, now in the possession of any city or county official, or of the board, or that may hereafter come into their possession, in which no trial was had, shall be delivered to the bureau for destruction or disposition.

No restricted dangerous drugs coming into the possession of the bureau as described in this section shall be destroyed within six months from seizure.

SEC. 21. Section 11925.3 of the Health and Safety Code is amended to read:

11925.3. When restricted dangerous drugs have been seized pursuant to this division and the defendant or owner has escaped from custody and is a fugitive from justice, they shall upon demand of the bureau, be turned over to it for safekeeping until such time as the owner or defendant is apprehended and prosecuted for violation of this division.

SEC. 22. Section 11925.4 of the Health and Safety Code is amended to read:

11925.4. When restricted dangerous drugs have been seized pursuant to this division and the case has been disposed of by way of dismissal or otherwise than by way of conviction, they shall by order of the court, be turned over to the bureau for destruction or disposition, unless the court finds that the restricted dangerous drugs were lawfully possessed by the defendant.

SEC. 23. Sections 1 to 12, inclusive, of, and Article 1 (commencing with Section 11904) of Chapter 1.5 of the Health and Safety Code, as enacted by Section 17 of this act, shall become operative July 1, 1971.

SEC. 24. Section 14 of this act, which amends Section 11901 of the Health and Safety Code, shall become operative only if neither Senate Bill No. 399 nor Assembly Bill No. 221 is enacted.

SEC. 25. Section 14.2 of this act, which amends Section 11901 of the Health and Safety Code, shall become operative only if Senate Bill No. 399 is enacted, and in such case at the same time as Senate Bill No. 399 takes effect.

SEC. 26. Section 14.5 of this act, which amends Section 11901 of the Health and Safety Code, shall become operative only if Assembly Bill No. 221 is enacted and in such case at the same time as Assembly Bill No. 221 takes effect.

SEC. 27. Section 14.7 of this act, which amends Section 11901 of the Health and Safety Code, shall become operative only if both Senate Bill No. 399 and Assembly Bill No. 221 are enacted and in such case at the same time as Senate Bill No. 399 and Assembly Bill No. 221 take effect.

CHAPTER 1597

An act to amend Sections 4084.5, 4084.6, 4140, 4140.5, and 4416 of the Business and Professions Code, relating to drug sales and distribution.

[Approved by Governor September 20, 1970 Filed with Secretary of State September 20, 1970.]

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

SECTION 1. Section 4084.5 of the Business and Professions Code is amended to read:

4084.5. No person acting as principal or agent for any out-of-state manufacturer, wholesaler, or pharmacy who has not obtained a certificate, license, permit, registration, or exemption from the board, and who sells or distributes drugs in this state which are not obtained through a wholesaler who has obtained a certificate, license, permit, registration, or exemption, pursuant to the provisions of this chapter or which are not obtained through a selling or distribution outlet of an out-of-state manufacturer which is licensed as a wholesaler pursuant to the provisions of this chapter, shall conduct the business of selling or distributing such drugs within this state without registering with the board.

Registration of persons under this section shall be made on a form furnished by the board. The board may require such information as the board deems is reasonably necessary to carry out the purposes of this section, including, but not limited to, the name and address of the registrant and the name and address of the manufacturer whose drugs he is selling or distributing.

The board may deny, revoke, or suspend such person's registration for any violation of this chapter or for any violation of Division 21 (commencing with Section 26001) of the Health and Safety Code. The board may deny, revoke, or suspend such person's registration if the manufacturer, whose drugs he is selling or distributing, violates any provision of this chapter or any provision of Division 21 (commencing with Section 26001) of the Health and Safety Code. Such registration shall be renewed annually on or before the first day of January of each year.

SEC. 2. Section 4084.6 of the Business and Professions Code is amended to read:

4084.6. No out-of-state manufacturer, wholesaler, or pharmacy doing business in this state who has not obtained a certificate, license, permit, registration, or exemption from the board and who sells or distributes drugs in this state through any person or media other than a wholesaler who has obtained a certificate, license, permit, registration, or exemption pursuant to the provisions of this chapter or through a selling or distribution outlet which is licensed as a wholesaler pursuant to the provisions of this chapter, shall conduct the business of selling or distributing drugs in this state without obtaining an out-of-state drug distributor's license from the board.

Applications for an out-of-state drug distributor's license under this section shall be made on a form furnished by the board. The board may require such information as the board deems is reasonably necessary to carry out the purposes of the section.

The board may deny, revoke, or suspend such out-of-state distributor's license for any violation of this chapter or for any violation of Division 21 (commencing with Section 26001) of the Health and Safety Code. The license shall be renewed annually on or before the first day of January of each year.

The Legislature, by enacting this section, does not intend a license issued to any out-of-state manufacturer, wholesaler, or pharmacy pursuant to this section to change or affect the tax liability imposed by Chapter 3 (commencing with Section 23501) of Part 11 of Division 2 of the Revenue and Taxation Code on any out-of-state manufacturer, wholesaler, or pharmacy.

The Legislature, by enacting this section, does not intend a license issued to any out-of-state manufacturer, wholesaler, or pharmacy pursuant to this section to serve as any evidence that such out-of-state manufacturer, wholesaler, or pharmacy is doing business within this state.

SEC. 3. Section 4140 of the Business and Professions Code is amended to read:

4140. The board may, upon written application, on a form furnished by the board, and in its discretion, issue a permit to any person, permitting and authorizing such person to sell and dispense hypodermic syringes and hypodermic needles for the purposes and uses specified in said permit.

Separate certificates, licenses, permits or registrations, shall be required for each of the premises of any business establishment having more than one location. Such certificate, license, permit or registration shall be renewed, annually on or before January 1 of each year and shall not be transferable.

SEC. 4. Section 4140.5 of the Business and Professions Code is amended to read:

4140.5. (a) A nonresident distributor of hypodermic needles or syringes doing business in this state that has not obtained a certificate, license, permit, registration, or exemption from the board and that sells or distributes hypodermic needles or syringes in this state through any person or medium other than a wholesaler which has obtained a certificate, license, permit, registration, or exemption pursuant to the provisions of this chapter or through a selling or distribution outlet which is licensed as a wholesaler pursuant to the provisions of this chapter, shall not conduct the business of selling or distributing hypodermic needles or syringes in this state without obtaining a nonresident hypodermic needle or syringe distributor's license from the board.

Separate certificates, licenses, permits or registrations shall be required for each of the premises of any business establishment having more than one location. Such certificate, license, permit or registration shall be renewed annually on or before January 1 of each year and shall not be transferable.

(b) Applications for a nonresident hypodermic needle or syringe distributor's license under this section shall be made on a form furnished by the board. The board may require such

information as the board deems is reasonably necessary to carry out the purposes of the section.

(c) The board may deny, revoke, or suspend such nonresident distributor's license for any violation of this chapter.

(d) The Legislature, by enacting this section, does not intend a license issued to any nonresident distributor pursuant to this section to serve as any evidence that such entity is doing business within this state.

SEC. 5. Section 4416 of the Business and Professions Code is amended to read:

4416. The amount of fees and penalties prescribed by this chapter, except as otherwise provided, is that fixed by the following schedule:

(a) The fee for a permit to conduct a pharmacy shall be fixed by the board at an amount not to exceed fifty dollars ($50) for each pharmacy.

(b) The annual fee for renewal of the permit to conduct a pharmacy shall be fixed by the board at an amount not to exceed fifty dollars ($50) for each pharmacy.

(c) The annual fee for a permit for a general dealer in a rural district shall be fixed by the board at an amount not to exceed five dollars ($5).

(d) The fee for any applicant for registration shall be fixed by the board at an amount not to exceed seventy-five dollars ($75).

(e) The additional fee for the issuance of a certificate to any licentiate, who is found by the board on examination to be entitled to a certificate, shall be fixed by the board at an amount not to exceed twenty-five dollars ($25), except that, if the certificate is issued less than one year before the next succeeding regular renewal date, the fee shall not exceed fifteen dollars ($15). The board may, by regulation, provide for the waiver or refund of the additional fee for the issuance of a certificate where the certificate is issued less than 45 days before the next succeeding regular renewal date.

(f) The fee for the reissuance of a certificate shall be fixed by the board at an amount not to exceed fifteen dollars ($15).

(g) Except as otherwise provided in this subdivision, the renewal fee for a registered pharmacist may be fixed by the board as follows:

(1) For the renewal period beginning on July 1, 1962, and ending on October 31, 1963, at an amount not to exceed ten dollars ($10).

(2) For the renewal period beginning on November 1, 1963, and ending on October 31, 1965, and for each biennial renewal period thereafter, at an amount not to exceed fifty dollars ($50).

(h) The fee for a wholesaler shall be fixed by the board at an amount not to exceed two hundred dollars ($200).

(i) The fee for a hypodermic license and renewal shall be fixed by the board at an amount not to exceed twenty-five dollars ($25).

(j) The fee for renewal of a hypnotic license shall be fixed by the board at an amount not to exceed twenty dollars ($20). The fee for original issuance of the license shall be fixed by the board at an amount not to exceed twenty-five dollars ($25) if the license is issued not less than one year before the next succeeding regular renewal date, and at an amount not to exceed fifteen dollars ($15) if the license is issued less than one year before the next succeeding regular renewal date. The board may, by regulation, provide for the waiver or refund of the fee for original issuance of the license where the license is issued less than 45 days before the next succeeding regular renewal date.

(k) The penalty for failure to pay any renewal fee may be fixed by the board at an amount not to exceed the sum of ten dollars ($10) for each year of delinquency.

(*l*) The fee for the reissuance of any permit, license, or certificate, or renewal thereof, except as provided by subdivision (f), which has been lost or destroyed or which must be reissued because of a change in the information appearing thereon is five dollars ($5).

(m) The fee for an application for exemption under Section 4050.6 shall be fixed by the board at an amount not to exceed twenty-five dollars ($25). Such fee shall be paid at the time the application is filed and shall not be refunded. If, after investigation or examination of the person or persons upon the basis of whose qualifications the exemption is sought, the board finds that the applicant is entitled to the exemption, it shall issue to him, upon payment of an additional fee fixed by the board at an amount not to exceed twenty-five dollars ($25), a certificate of exemption naming the person or persons upon the basis of whose qualifications the exemption is granted. Such certificate shall be renewed annually on or before the 31st day of December upon payment of a renewal fee fixed by the board at an amount not to exceed twenty-five dollars ($25).

(n) The fee for registration under Section 4084.5 shall be fixed by the board at an amount not to exceed ten dollars ($10). The fee for annual renewal of such registration shall not exceed ten dollars ($10).

(o) The fee for an out-of-state drug distributor's license issued pursuant to Section 4084.6 shall be fixed by the board at an amount not to exceed the reasonable costs of the board for the issuance of such license, which in no event shall exceed two hundred dollars ($200). The fee for annual renewal of such license shall not exceed two hundred dollars ($200).

SEC. 6. Section 4416 of the Business and Professions Code is amended to read:

4416. The amount of fees and penalties prescribed by this chapter, except as otherwise provided, is that fixed by the following schedule:

(a) The fee for a permit to conduct a pharmacy shall be fixed by the board at an amount not to exceed fifty dollars ($50) for each pharmacy.

(b) The annual fee for renewal of the permit to conduct a pharmacy shall be fixed by the board at an amount not to exceed fifty dollars ($50) for each pharmacy.

(c) The annual fee for a permit for a general dealer in a rural district shall be fixed by the board at an amount not to exceed five dollars ($5).

(d) The fee for any applicant for registration shall be fixed by the board at an amount not to exceed seventy-five dollars ($75).

(e) The additional fee for the issuance of a certificate to any licentiate, who is found by the board on examination to be entitled to a certificate, shall be fixed by the board at an amount not to exceed twenty-five dollars ($25), except that, if the certificate is issued less than one year before the next succeeding regular renewal date, the fee shall not exceed fifteen dollars ($15). The board may, by regulation, provide for the waiver or refund of the additional fee for the issuance of a certificate where the certificate is issued less than 45 days before the next succeeding regular renewal date.

(f) The fee for the reissuance of a certificate shall be fixed by the board at an amount not to exceed fifteen dollars ($15).

(g) Except as otherwise provided in this subdivision, the renewal fee for a registered pharmacist may be fixed by the board as follows:

(1) For the renewal period beginning on July 1, 1962, and ending on October 31, 1963, at an amount not to exceed ten dollars ($10).

(2) For the renewal period beginning on November 1, 1963, and ending on October 31, 1965, and for each biennial renewal period thereafter, at an amount not to exceed fifty dollars ($50).

(h) The fee for a wholesaler shall be fixed by the board at an amount not to exceed two hundred dollars ($200).

(i) The fee for a hypodermic license and renewal shall be fixed by the board at an amount not to exceed twenty-five dollars ($25).

(j) The fee for renewal of a hypnotic license shall be fixed by the board at an amount not to exceed twenty dollars ($20). The fee for original issuance of the license shall be fixed by the board at an amount not to exceed twenty-five dollars ($25) if the license is issued not less than one year before the next succeeding regular renewal date, and at an amount not to exceed fifteen dollars ($15) if the license is issued less than one year before the next succeeding regular renewal date. The board may, by regulation, provide for the waiver or refund of the fee for original issuance of the license where the license is issued less than 45 days before the next succeeding regular renewal date.

(k) The penalty for failure to pay any renewal fee may be fixed by the board at an amount not to exceed the sum of ten dollars ($10) for each year of delinquency.

(*l*) The fee for the reissuance of any permit, license, or certificate, or renewal thereof, except as provided by subdivision (f), which has been lost or destroyed or which must be reissued because of a change in the information appearing thereon is five dollars ($5).

(m) The fee for an application for exemption under Section 4050.6 shall be fixed by the board at an amount not to exceed twenty-five dollars ($25). Such fee shall be paid at the time the application is filed and shall not be refunded. If, after investigation or examination of the person or persons upon the basis of whose qualifications the exemption is sought, the board finds that the applicant is entitled to the exemption, it shall issue to him, upon payment of an additional fee fixed by the board at an amount not to exceed twenty-five dollars ($25), a certificate of exemption. Such certificate shall be renewed annually on or before the 31st day of December upon payment of a renewal fee fixed by the board at an amount not to exceed twenty-five dollars ($25).

(n) The fee for registration under Section 4084.5 shall be fixed by the board at an amount not to exceed ten dollars ($10). The fee for annual renewal of such registration shall not exceed ten dollars ($10).

(o) The fee for an out-of-state drug distributor's license issued pursuant to Section 4084.6 shall be fixed by the board at an amount not to exceed the reasonable costs of the board for the issuance of such license, which in no event shall exceed two hundred dollars ($200). The fee for annual renewal of such license shall not exceed two hundred dollars ($200).

SEC. 7. It is the intent of the Legislature that if the Governor's Reorganization Plan No. 2 of 1970 becomes effective, the changes in Section 4416 of the Business and Professions Code necessary to reflect the plan as set forth in the proposed bill prepared by the Legislative Counsel pursuant to Section 8523 of the Government Code, shall be given effect and incorporated in Section 4416 as set forth in Section 6 of this act. Therefore, in the event the Governor's Reorganization Plan No. 2 of 1970 becomes effective, Section 6 of this act shall become operative, Section 4416 of the Business and Professions Code as amended by Section 5 of this act shall not take effect, and any conflicting provisions of the Governor's Reorganization Plan No. 2 inconsistent with Section 6 of this act are repealed.

CHAPTER 1598

An act to amend Section 16604 of the Education Code, relating to children's centers.

[Approved by Governor September 20, 1970. Filed with Secretary of State September 20, 1970.]

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

SECTION 1. Section 16604 of the Education Code is amended to read:

16604. Except as provided in Section 16605, no child shall be admitted to a children's center if the total monthly income from all sources of the child's immediate family:

(a) Where both parents are working, exceeds six hundred ninety-five dollars ($695) if there is one child in the family, and an additional eighty-four dollars ($84) for each additional child.

(b) Where but one parent, who has both custody and care of the child, is the sole wage earner of the child's immediate family, exceeds five hundred ten dollars ($510) if there is one child in the family, and an additional eighty-four dollars ($84) for each additional child.

Except as provided in Section 16605 the maximum "total monthly income" figure in either case may be exceeded in any month or months of the year if in the opinion of the board the total income from all sources, of the child's immediate family for the calendar year divided by 12 will not exceed such maximum. In computing the maximum "total monthly income" of self-employed persons the gross income of such persons may be reduced by the legitimate business expenses incident to the self-employment. In estimating earnings of any member of the child's immediate family the computation of weekly wages shall be on the basis of wages based on a five-day week if the employer of such person certifies to said governing board that the workweek of such person is five days or more.

Before the commencement of each fiscal year, the Legislature shall revise the amounts under (a) and (b) above to reflect changes in the cost of living as indicated by the State Personnel Board salary and wage findings relating to private industry in California and in state service.

CHAPTER 1599

An act to add Section 39067 to the Health and Safety Code, relating to air pollution, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 20, 1970 Filed with Secretary of State September 20, 1970]

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

SECTION 1. Section 39067 is added to the Health and Safety Code, to read:

39067. **The board shall coordinate those statewide activities necessary to achieve and maintain satisfactory air quality in this state.**

It has become evident in recent years that Californians are not satisfied with the quality of their air. In order for California to achieve the ambient air quality standards established by the board, increased emphasis and priority must be given to the statewide air quality program.

An effective research program is an integral part of any broad-based statewide effort to combat air pollution.

It is, therefore, the intent of the Legislature, in enacting this section, to initiate a comprehensive program of air pollution research directed at specific problem areas and designed to develop recommended courses of action. This research program shall be concerned with both vehicular and stationary sources of air pollution.

The board shall administer and coordinate all air pollution research funded in whole or in part with state funds and, in discharging its responsibilities, the board shall have the following duties and powers:

(a) Establish applied research objectives.

(b) Receive and review all air pollution research proposals.

(c) Recommend the initiation of specific air pollution research projects.

(d) Award contracts for air pollution research projects.

(e) Submit a detailed annual report to the Legislature by the fifth calendar day of each regular session of the Legislature on the conduct of the air pollution research program conducted pursuant to this section.

(f) Establish the administrative and review procedures necessary to carry out the provisions of this section.

(g) Collect, validate, and disseminate educational information relating to air pollution.

In awarding contracts for the conduct of air pollution research, the board shall consider the capability of the University of California to mount a comprehensive program of research to seek solutions to air pollution problems and the ability of the university through its several campuses to mobilize a comprehensive research program for this purpose.

The board shall appoint a screening committee of not to exceed seven persons, the membership of which may be rotated as determined by the board. The committee shall consist of physicians, scientists, biologists, chemists, engineers, meteorologists, and other persons who are knowledgeable, technically qualified, and experienced in air pollution problems for which projects are being reviewed. The committee shall review, and give its advice and recommendations with respect to, all air pollution research projects funded by the state pursuant to this section, including both those conducted by the board and those conducted under contract with the board. The committee members shall receive fifty dollars ($50) per day for each day they meet to perform their duties under this section. In addition to such compensation, they shall receive their actual and necessary expenses incurred while performing such duties.

SEC. 3. The State Air Resources Board shall develop a comprehensive program to:

(a) Report research results relating to specific problems in the following areas:

(1) Motor vehicle emissions control, including alternative propulsion systems, cleaner burning fuels, and improved control devices,.

(2) Control of nonvehicular emissions.

(3) Control of specific contaminants to meet air quality standards.

(4) Atmospheric chemistry and physics.

(5) Effects of air pollution on human health and comfort, plants and animals, and reduction in visibility.

(6) Instrumentation development.

(7) Economic and ecological analysis.

(8) Mathematical model development.

(9) Trends in atmospheric quality throughout the state.

(b) Provide information about the consequences of various alternative solutions to specific air pollution problems.

(c) Report to the Legislature as a source of technical knowledge.

(d) Identify knowledge gaps.

SEC. 4. The sum of nine million two hundred fifty thousand dollars ($9,250,000) is hereby appropriated to the State Air Resources Board to carry out the provisions of Section 39067 of the Health and Safety Code, as added by this act, as follows:

(a) Eight million three hundred twenty-five thousand dollars ($8,325,000) from the Motor Vehicle Fund for research projects dealing with motor vehicle air pollution.

(b) Nine hundred twenty-five thousand dollars ($925,000) from the California Environmental Protection Program Fund for research projects dealing with stationary sources of air pollution and maintaining a repository of information for all basic and applied air pollution research.

SEC. 5. The sum of eight million three hundred twenty-five thousand dollars ($8,325,000) is hereby appropriated to the State Air Resources Board from the Motor Vehicle Fund for research projects dealing with motor vehicle air pollution authorized under the provisions of Section 39067 of the Health and Safety Code, as added by this act.

SEC. 6. Of the nine million two hundred fifty thousand dollars ($9,250,000) appropriated by Section 4 of this act, the sum of two hundred fifty thousand dollars ($250,000) shall be expended by the State Air Resources Board to coordinate the conduct of air pollution research, administer contracts for such research, and develop research reports, and the balance of the funds shall be expended by the board for air pollution research.

Of the amount expended for research, seven hundred fifty thousand dollars ($750,000) shall be allocated immediately to the University of California to continue the development of a

comprehensive air pollution research program. The research projects conducted under the air pollution research program shall be submitted to the State Air Resources Board for review and approval.

SEC. 7. Of the eight million three hundred twenty-five thousand dollars ($8,325,000) appropriated by Section 5 of this act, the sum of two hundred twenty-five thousand dollars ($225,000) shall be expended by the State Air Resources Board to coordinate the conduct of air pollution research, administer contracts for such research, and develop research reports, and the balance of the funds shall be expended by the board for air pollution research.

Of the amount expended for research, seven hundred fifty thousand dollars ($750,000) shall be allocated immediately to the University of California to continue the development of a comprehensive air pollution research program. The research projects conducted under the air pollution research program shall be submitted to the State Air Resources Board for review and approval.

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:

Air pollution is the major form of environmental degradation in California. In order to achieve the air quality standards established by the State Air Resources Board, the state must implement the applied air pollution research program provided by this act at the earliest possible date.

SEC. 9. Section 3 of this act shall be operative until June 30, 1973, and shall have no force and effect after that date.

SEC. 10. Sections 4 and 6 of this act shall become operative only if Senate Bill No. 262 is enacted by the Legislature at its 1970 Regular Session,. If Senate Bill No. 262 is enacted prior to this act, Sections 4 and 6 of this act shall become operative on the effective date of this act, in which event Sections 5 and 7 of this act shall not become operative. If Senate Bill No. 262 is enacted subsequent to this act, Sections 4 and 6 of this act shall become operative at the same time as Senate Bill No. 262 takes effect, at which time Sections 5 and 7 of this act are repealed.

CHAPTER 1600

An act to amend Sections 20016 and 20803.7 of, to add Sections 20017.77, 20602.92, 20605, 20750.43, and 21252.6 to, and to repeal Sections 21020.8, 21290.8, and 21292.8 of, the Government Code, to amend Sections 2401 and 6053 of the Penal Code, and to amend Section 1752 of the Welfare and Institutions Code, relating to the Public Employees' Retirement System.

[Approved by Governor September 20, 1970. Filed with Secretary of State September 20, 1970.]

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

SECTION 1. Section 20016 of the Government Code is amended to read:

20016. "Prison member" includes the Director of Corrections and all state employees appointed by the Governor or by the Director of Corrections or the Adult Authority and employed in the state prisons or facilities of the Department of Corrections, or employed in the Division of Adult Paroles as chief, deputy chief, agents, or officers, and all parole agents or officers appointed by the Adult Authority under the State Civil Service Act, any parole agents or officers appointed by the Board of Trustees of the California Institution for Women, the members of the Adult Authority, and the members of the Board of Trustees of the California Institution for Women except such employees who are law enforcement members.

Except as expressly otherwise provided, the provisions of this part applicable to state miscellaneous members apply to prison members.

SEC. 2. Section 20017.77 is added to the Government Code, to read:

20017.77. Notwithstanding the provisions of Section 20017.75, "law enforcement member" shall also include officers and employees in (a) the Department of Corrections employed to perform the duties now performed in positions with the following class titles: Director of Corrections; Deputy Director, Department of Corrections; Deputy Director, Institutions, Camps and Program Services Division; Deputy Director, Parole and Community Services; warden; Warden—San Quentin; superintendent II and III, Department of Corrections; deputy superintendent; correctional administrator; program administrator, correctional institution; all classes of correctional program supervisor; correctional captain, correctional lieutenant, correctional sergeant; correctional officer; all classes of women's correctional supervisor; Assistant Deputy Director, Parole and Community Services; all classes of parole administrator, adult parole; all classes of parole agent, adult parole; all classes of women's parole agent; medical facility superintendent; Superintendent, California Institution for Women, and (b) the De-

partment of the Youth Authority employed to perform the duties now performed in positions with the following class titles: Director, Department of the Youth Authority; Chief, Division of Parole and Community Services; Deputy Chief, Division of Parole and Community Services; program administrator, correctional school; assistant superintendent, correctional school all classes of superintendent, correctional school; Youth Authority camp superintendent; assistant superintendent, Youth Authority camp; Chief, Division of Institutions; treatment team supervisor; all classes of transportation officers, Youth Authority; security officer; all classes of group supervisors; all classes of parole agent, Youth Authority; all classes of youth counselor.

SEC. 3. Section 20602.92 is added to the Government Code, to read:

20602.92. Whenever a person becomes a law enforcement member as a result of an amendment to this part defining law enforcement member, the rate of contributions provided for law enforcement members shall apply only to compensation paid such person for service on and after the effective date of such amendment.

SEC. 4. Section 20605 is added to the Government Code, to read:

20605. For each law enforcement member subject to Section 21252.6 of this code, effective on the operative date of this section, or the later date of entrance into this system as such a member, the normal rate of contribution shall be 7 percent of compensation paid on and after such operative date.

The normal rate of contribution as established under this section for a member whose service is included in the federal system shall be reduced by one-third as applied to compensation not exceeding four hundred dollars ($400).

SEC. 5. Section 20750.43 is added to the Government Code, to read:

20750.43. The contribution of a public employer to the retirement fund with respect to law enforcement members provided by any and all other provisions of this chapter is decreased by a sum equal to 4.09 percent of the compensation paid such members by such employer.

SEC. 6. Section 20803.7 of the Government Code is amended to read:

20803.7. "Law enforcement service" means service rendered as a law enforcement member only while receiving compensation for such service, except as provided in Article 4 (commencing with Section 20890) of this chapter. It also includes service rendered in an employment in which persons have since become law enforcement members.

SEC. 7. Section 21020.8 of the Government Code is repealed.

SEC. 8. Section 21252.6 is added to the Government Code, to read:

21252.6. The combined prior and current service pension for a law enforcement member as defined in Section 20017.77, upon retirement after attaining age 55, is a pension derived from contributions of an employer sufficient, when added to that portion of the service retirement annuity which is derived from the accumulated normal contributions of the member at the date of his retirement, to equal 1 50th of his final compensation multiplied by the number of years of law enforcement service which is credited to him as a law enforcement member as defined in Section 20017.77 at retirement.

In no event shall the pension under this section exceed an amount which, when added to the service retirement annuity related to such law enforcement service, equal 75 percent of final compensation.

This section shall not apply to a person whose effective date of retirement is prior to the operative date of this section or to a person who retires after such operative date and following reinstatement from a retirement having an effective date prior to such operative date and before rendering during such reinstatement at least one year of such law enforcement service.

The Legislature reserves, with respect to any member subject to this section, the right to provide for such adjustment of industrial disability retirement allowances because of earnings of a retired person and modification of the conditions and qualifications required for retirement for disability as it may find appropriate because of the earlier age of service retirement made possible by the benefits under this section

The percentage of final compensation provided in this section shall be reduced by one-third as applied to that part of the member's final compensation which does not exceed four hundred dollars ($400) per month for service after the effective date of coverage of a member under the federal system.

SEC 9. Section 21290.8 of the Government Code is repealed.

SEC 10. Section 21292 8 of the Government Code is repealed.

SEC. 11 Section 2401 of the Penal Code is amended to read·

2401. All officers and employees of the division shall be selected and appointed by the department pursuant to the State Civil Service Act. The status, positions, and rights of the officers and employees of the division who, prior to the effective date of this section, were included in the state civil service system shall not be affected by the enactment of Section 2399 or this section at the 1957 Regular Session, and their status, positions, and rights shall continue to be retained by them pursuant to the State Civil Service Act.

Notwithstanding Section 18932 of the Government Code, the maximum age shall be 35 years for any open examination for the position of parole agent I and other custodial and parole positions which normally afford entry into the Division of Adult Paroles service.

SEC. 12. Section 6053 of the Penal Code is amended to read:

6053. All persons other than temporary appointees heretofore serving in the state civil service and engaged in the performance of a function transferred to the department or engaged in the administration of a law, the administration of which is transferred to the department, shall remain in the state civil service and are hereby transferred to the department on the effective date of this section, and their status, positions and rights shall not be affected by their transfer and shall continue to be retained by them pursuant to the State Civil Service Act. The director, pursuant to the State Civil Service Act, shall be the appointing authority for the department for all civil service positions except those civil service positions in the Youth Authority and the parole employees of the California Women's Board of Terms and Parole. Positions not heretofore established, which are exclusively for the California Institution for Women or exclusively for the Youth Authority, shall be filled pursuant to the State Civil Service Act.

Notwithstanding Section 18932 of the Government Code, the maximum age shall be 35 years for any open examination for the position of correctional officer, women's correctional supervisor I, parole agent I, and other custodial and parole positions which normally afford entry into the Department of Corrections service.

SEC. 13. Section 1752 of the Welfare and Institutions Code is amended to read:

1752. To the extent that necessary funds are available for the purposes, the director may

(a) Establish and operate a treatment and training service and such other services as are proper for the discharge of his duties;

(b) Create administrative districts suitable to the performance of his duties;

(c) Employ and discharge all such persons as may be needed for the proper execution of the duties of the authority. Such employment and discharge shall be in accord with the civil service laws of this state.

Notwithstanding Section 18932 of the Government Code, the maximum age shall be 35 years for any open examination for the position of parole agent I, group supervisor, youth counselor, and other custodial and parole positions which normally afford entry into the Youth Authority service.

SEC. 14. This act shall become operative on July 1, 1971.

CHAPTER 1601

An act to amend Sections 894, 6802, 6802.2, 6809, 6812.5, 6870, 6941, 18060, 19682, 19683, and 19683.5 of, and to add Sections 6803.1, 6812.1, and 6820.2 to, the Education Code, relating to multihandicapped minors, and making an appropriation therefor.

[Approved by Governor September 20, 1970. Filed with Secretary of State September 20, 1970.]

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

SECTION 1. Section 894 of the Education Code is amended to read:

894. The county superintendent of schools shall establish and maintain programs for physically handicapped minors who come within the provisions of Section 6801 or 6802, including orthopedic or other health-impaired, visually handicapped, aurally handicapped, or multihandicapped, and who reside in the county and in elementary or unified school districts which have an average daily attendance of less than 8,000 in the elementary schools of the districts or in unified or high school districts which have an average daily attendance of less than 8,000 in the high schools of the districts, whenever such districts have not provided nor entered into contract with other districts to provide such programs.

Such program shall, with the approval of the county board of education, be provided in one or more of the following ways:

(a) In special schools or classes of elementary and secondary grade and in remedial classes of elementary and secondary grade.

(b) By the employment of emergency teachers to provide special instruction in the regular schools of the districts of the county.

(c) By the maintenance of special classes of secondary grade.

(d) By the employment of home instructors to give individual instruction in the home or at the bedside in institutions, and by the employment of instructors to provide remedial instruction for physically handicapped minors in regular, special day, and special training schools or classes which he may be authorized to conduct, and by the employment of instructors to provide individual instruction for minors with speech disorders or defects who are at least three years of age for the purpose of remedying such speech disorders or defects.

(e) By cooperation with the Department of Rehabilitation in the provision of individual instruction and coordination services.

(f) By contract with the county superintendent of schools of another county or with the governing board of any school district.

(g) In integrated programs of instruction of elementary or secondary grade.

(h) By the employment of instructors to provide individual instruction, subject to the provision of Section 6812, in schools or in the homes of minors who are deaf or hard of hearing, as determined by the State Board of Education, and between the ages of three and six years of age.

The county superintendent of schools may establish and maintain programs for the physically handicapped minors who come within the provisions of Section 6801 or 6802 and who reside in any district within the county with the approval of the county board of education and the agreement of the local governing board of the school district. Such programs may be carried out in accordance with subdivisions (a), (c), (g), and (h).

Such schools and classes shall be established at centrally located places, and the county superintendent of schools shall provide transportation to the pupils attending them. In an instance where it would be impractical because of the transportation distances existing to bring a sufficient number of physically handicapped minors within the meaning of Section 6801 or 6802 together in one place to form a school or special class, the county superintendent of schools, upon the annual approval of the Superintendent of Public Instruction, may defer compliance with the provisions of this section for the year in question.

Any elementary or unified school district which has an average daily attendance of less than 8,000 in the elementary schools of the district and any unified or high school district which has an average daily attendance of less than 8,000 in the high schools of the district, with the approval of the county superintendent of schools, may establish and maintain programs for the physically handicapped who come within the provisions of Section 6801 or 6802.

The county superintendent of schools required to provide for the education of physically handicapped minors residing in the county who come within the provisions of Section 6801 or 6802 may, with the approval of the Superintendent of Public Instruction, enter into agreements with an elementary, unified, or high school district for the latter to provide for the education of such physically handicapped minors.

SEC. 2. Section 6802 of the Education Code is amended to read:

6802. Any minor who, by reason of a physical impairment, cannot receive the full benefit of ordinary education facilities, shall be considered a physically handicapped individual for the purposes of this chapter. Such minors include the following, as defined by the State Board of Education:

(a) The deaf or hard of hearing.
(b) The blind or partially seeing.
(c) Orthopedic or health impaired.
(d) The aphasic.
(e) The speech handicapped

(f) Other minors with physical illnesses or physical conditions which make attendance in regular day classes impossible or inadvisable.

(g) Minors with physical impairments so severe as to require instruction in remedial physical education.

(h) Multihandicapped.

SEC. 3. Section 6802.2 of the Education Code is amended to read:

6802.2. The maximum size for any special day class authorized by subdivision (a) of Section 6802.1 is as follows:

Types of pupils in class	Ages 3 through 8 years	Ages 9 through 20 years
Deaf	6	8
Severely hard of hearing	8	10
Combination of deaf and severely hard of hearing	6	8
Blind	8	10
Partially seeing	10	12
Combination of blind and partially seeing	8	10
Orthopedic or other health impaired	12	16
Aphasic	6	8
Other physically handicapped	--	20
Deaf-blind multihandicapped	3	5
Other multihandicapped	6	8

The State Board of Education may waive the maximum class size standards prescribed by this section whenever it approves a project submitted by a school district or county superintendent of schools to conduct experimental studies to determine the proper maximum class size standards.

If, after the beginning of the school year, it is determined that classes for a given category of physically handicapped pupils are at maximum size, that additional such pupils will be without schooling unless additional classes are established, and that additional qualified teachers are not available for employment, a school district or a county superintendent of schools may request permission of the Superintendent of Public Instruction to exceed the maximum class size for the remainder of the school year, using the form provided for this purpose by the Department of Education The superintendent may approve such request for the remainder of the school year, providing the maximum size is not increased by more than two pupils of that provided herein.

SEC. 4. Section 6803.1 is added to the Education Code, to read:

6803.1. The Superintendent of Public Instruction shall provide coordinative, consultant, and supervisory services for programs for multihandicapped minors and shall employ personnel who shall devote their full time to the provision of such services.

SEC. 5. 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, orthopedic or other health-impaired, aphasic, or multihandicapped 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 respect to payment of cost of tuition and the cost of buildings and equipment shall apply.

SEC. 6. Section 6812.1 is added to the Education Code, to read:

6812.1. Minors between the ages of 3 and 21 and who are multihandicapped, as determined by the State Board of Education, may be enrolled in special day classes for the multihandicapped conducted by a school district or county superintendent of schools. Special day classes for multihandicapped minors shall be approved in advance by the Superintendent of Public Instruction.

The Superintendent of Public Instruction shall approve not more than 100 classes during the 1970–1971 fiscal year and not more than 50 additional classes each fiscal year thereafter, not to exceed a total of 400 classes.

Commencing with the 1971 Regular Session of the Legislature, the Superintendent of Public Instruction shall report annually to the Legislature the progress being made in the education of multihandicapped minors including but not limited to, the number of authorized classes, the numbers of minors enrolled, the nature of handicapping conditions of minors enrolled in classes, a description of the instruction

being provided, objectives of the program, achievement outcomes, and recommendations for further program development.

SEC. 7. Section 6812.5 of the Education Code is amended to read:

6812.5. Minors who are deaf, severely hard of hearing, blind, deaf-blind, or other multihandicapped minors, 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, blind, or deaf-blind, or other multihandicapped 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, severely hard-of-hearing, blind, deaf-blind, or other multihandicapped 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 894) of Chapter 4 of Division 3.

Notwithstanding any provision of this code to the contrary, computations of allowances and apportionments from the State School Fund for deaf, severely hard-of-hearing, blind, deaf-blind, or other multihandicapped 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 894) of Chapter 4 of Division 3.

Notwithstanding any provision of this code to the contrary, physically handicapped minors as prescribed in Section 8955.2 shall include deaf, severely hard-of-hearing, blind, deaf-blind, or other multihandicapped minors enrolled in experimental programs authorized by this section.

SEC. 7.5. Section 6812.5 of the Education Code is amended to read:

6812.5. Minors who are deaf, severely hard-of-hearing, blind, deaf-blind, or other multihandicapped minors 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, blind, deaf-blind or other multihandicapped 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, severely hard-of-hearing, blind, deaf-blind, or other multihandicapped 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 894) of Chapter 4 of Division 3.

Notwithstanding any provision of this code to the contrary, computations of allowances and apportionments from the State School Fund for deaf, severely hard-of-hearing, blind, deaf-blind, or other multihandicapped 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 894) of Chapter 4 of Division 3.

Notwithstanding any provision of this code to the contrary, physically handicapped minors as prescribed in Section 8955.2 shall include deaf, severely hard-of-hearing, blind, deaf-blind, or other multihandicapped minors enrolled in experimental programs authorized by this section.

SEC. 8. Section 6820.2 is added to the Education Code, to read:

6820.2. On and after September 1, 1975, no person shall be employed to teach multihandicapped minors, as defined in Section 6802, who does not hold a valid credential to teach exceptional children.

SEC. 9. Section 6870 of the Education Code is amended to read:

6870. It is the intent and purpose of the Legislature in enacting this chapter to provide special educational facilities and services to exceptional children who, because the school district or county superintendent of schools of the county in which they reside has no appropriate special education facilities and services or they cannot reasonably be provided to fit their needs, or because the State of California has no facilities to educate them, are unserved by this state's school system or by state institutions or agencies. It is the further intent and purpose of the Legislature to provide the Department of Education with broad administrative discretion, consistent with the needs of exceptional children and the intent of this chapter, in carrying out its responsibilities under this chapter. The Super-

intendent of Public Instruction may adopt rules and regulations consistent with this chapter which he deems necessary for the effective administration thereof.

(a) As used in this chapter:

(1) An educationally handicapped minor means an educationally handicapped minor as defined by Chapter 7.1 (commencing with Section 6750) of this division.

(2) A physically handicapped minor means a physically handicapped minor as defined by Chapter 8 (commencing with Section 6801) of this division.

(3) A mentally retarded minor means a mentally retarded minor as defined by Sections 6901 and 6902.

(4) A severely mentally retarded minor means a mentally retarded minor as defined by Sections 6901 and 6903.

(5) A multihandicapped minor as determined by the Superintendent of Public Instruction means a minor with any combination of handicaps described above in paragraphs (1), (2), (3), and (4).

(6) Exceptional children includes all minors defined in paragraphs (1) to (5), inclusive, of this subdivision.

(b) "Special educational facilities and services" means:

(1) In the case of an educationally handicapped minor, the special educational facilities and services specified in Chapter 7.1 (commencing with Section 6750) of this division.

(2) In the case of a physically handicapped minor, the special educational facilities and services specified in Article 1 (commencing with Section 6801) of Chapter 8 of this division and Article 9 (commencing with Section 894) of Chapter 4 of Division 3.

(3) In the case of a mentally retarded minor, other than a severely mentally retarded minor, the special educational facilities and services specified in Sections 6902 and 895, insofar as applicable.

(4) In the case of a severely mentally retarded minor, the special educational facilities and services specified in Sections 6903 and 895, insofar as applicable.

(5) In the case of a multihandicapped minor, the special educational facilities appropriate to the minor's handicaps as determined by the county superintendent of schools.

SEC. 10. Section 6941 of the Education Code is amended to read:

6941. As used in this chapter, "handicapped children" means any of the following:

(a) Physically handicapped minors as defined in Chapter 8 (commencing with Section 6801) of this division.

(b) Mentally retarded minors as defined by Sections 6901 and 6902.

(c) Severely mentally retarded minors as defined by Sections 6901 and 6903.

(d) Educationally handicapped minors as defined in Chapter 7.1 (commencing with Section 6750) of this division.

(e) Multihandicapped minors which refers to any combination of (a), (b), (c), or (d).

SEC. 11. 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, orthopedic or other health-impaired, and other physically impaired minor pupils handicapped in mobility and including mentally retarded minors who come within the provisions of Section 6903, and multihandicapped minors, 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.

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 deaf, severely hard-of-hearing, blind, deaf-blind, or other multihandicapped minor pupils who come within the provisions of Section 6812.5, to and from experimental programs approved by him, three hundred eighty-nine dollars ($389) for each unit of average daily attendance of such minor pupils during the fiscal year resulting from the attendance of such minor pupils in the experimental programs 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, orthopedic or other health-impaired, and other physically impaired minor pupils handicapped in mobility and including mentally retarded minors who come within the provisions of Section 6903, and multihandicapped minors, 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.

The Superintendent of Public Instruction shall allow to the county school service fund of each county for transporting deaf, severely hard-of-hearing, blind, deaf-blind, or other multihandicapped minor pupils who come within the provisions of Section 6812.5, to and from experimental programs approved by him, three hundred eighty-nine dollars ($389) for each unit of average daily attendance of such minor pupils during the fiscal year resulting from the attendance of such minor pupils in the experimental programs 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 Superin-

tendent 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. 12. Section 19682 of the Education Code is amended to read:

19682. As used in this article, "exceptional children" means physically handicapped minors, mentally retarded minors, educationally handicapped minors, or multihandicapped minors required or allowed to be educated pursuant to Sections 6801 to 6855, inclusive, Sections 6901 to 6919, inclusive, Sections 6750 to 6762, inclusive.

SEC. 13. Section 19683 of the Education Code is amended to read:

19683. Allocations under this article may be made in such amount as may be necessary, and in such manner as to distribute the available funds equitably among school districts, giving consideration to the needs of each district and the number of children within each district who are blind, partially seeing, aphasic, deaf, hard of hearing, mentally retarded, orthopedic or other health-impaired, multihandicapped, speech handicapped, or educationally handicapped.

In computing the number of such children there shall be included:

(a) The number of them residing in the district.

(b) The number of handicapped minors who are actually living within the district five or more days a week, although their legal residence may be outside the district and who are educated pursuant to Section 6805.

(c) The number of them who reside outside of the district, except those described in subdivision (b), and who are to be

educated by the district, excluding mentally retarded minors within the provisions of Section 6902 who reside within a district having an average daily attendance of 900 or more and which does not meet the requirements of Section 19590 concerning outstanding bonded indebtedness.

Allocations for housing and equipment for minors having speech defects or disorders shall be allowed only in new schools constructed after July 1, 1968. Such housing and equipment shall be designed and provided to permit their utilization for remedial and other special services including speech therapy, speech reading (lipreading) and auditory training for the speech and hearing handicapped, screening and testing for speech and hearing defects, or both, psychological testing of exceptional children, subject matter tutoring of exceptional children, and other specialized activities required by such children. In addition to the maximum building area allowances provided in Sections 19583, 19585, 19586, and 19587, not more than an additional 200 square feet of building area shall be allowed for each new school so planned and constructed.

SEC. 14. Section 19683.5 of the Education Code is amended to read:

19683.5. Notwithstanding any provisions of this article to the contrary, apportionments for the construction of facilities and the purchase of essential furniture and equipment for the education of exceptional children may, subject to the approval of the Department of Education, be made to any school districts not otherwise eligible to receive apportionments under Article 1 (commencing with Section 19551) and Article 2 (commencing with Section 19651) of this chapter, for the education of blind, partially seeing, aphasic, deaf, hard-of-hearing, mentally retarded, orthopedic or other health-impaired, multihandicapped, and educationally handicapped minors.

The Department of Education may approve applications in those situations where the facilities will be used by a county superintendent of schools required to educate physically handicapped minors pursuant to Section 894 and mentally retarded minors pursuant to Section 895. A school district may educate such minors by agreement with a county superintendent of schools required to educate such minors. Priority in the use of such facilities shall be given to pupils from districts other than the applicant district.

Except as otherwise provided in this section, not more than 50 percent of the amount of any apportionment made pursuant to this section shall be repaid. Repayments shall be made in the following manner: 50 percent of the amount of the apportionment shall be repaid in full with interest by the district, in such annual amounts and at such interest rate over such period as the State Allocation Board may determine, not to exceed 20 years from the date the apportionment became final. In any school year in which 50 percent or more of the pupils in average daily attendance, as determined by the county su-

perintendent of schools, and served by such facilities are not pupils from districts other than the applicant district, the repayment for the succeeding fiscal year shall be an amount which would have been payable if such district had been required to repay 100 percent of the apportionment over such period.

The county board of supervisors of the county whose superintendent of schools conducts classes in such facility during any fiscal year shall at such time or times within such fiscal year as may be agreed upon between the county and the school district, but in any case not later than the end of such fiscal year, pay to the school district having the obligation to repay the apportionment made under this section for the construction of such facility, an amount equal to 80 percent of the amount the district is required to repay in said fiscal year with respect to the apportionment described above.

The county board of supervisors shall raise the amount required through a general tax levy on the property within the participating districts, or through a tuition charge not to exceed one hundred sixty dollars ($160) a year per pupil by the county superintendent of schools to the school districts of residence of pupils attending the facility other than the district having the obligation to repay, or through a combination of these.

The county superintendent of schools shall notify the county board of supervisors of his intention to approve a school district's application for an allocation under this article before he approves the application.

SEC. 15. (a) Notwithstanding the provisions of the Budget Act of 1970 (Statutes of 1970, Chapter 303) or any other provisions of law to the contrary, of the moneys to be transferred from the General Fund to the State School Fund pursuant to Item 261.5 of the Budget Act of 1970 there shall be reallocated for expenditure pursuant to, and in augmentation of the amount allocated for expenditure by, subparagraph (3) of subdivision (b) of Item 261 of the Budget Act of 1970, for the fiscal year 1970–1971, an amount equal to forty cents ($0.40) multiplied by the total average daily attendance credited to all kindergarten, elementary, high school, community college and adult schools in the state and to county school tuition funds during the preceding school year. The amount so reallocated for expenditure shall be expended under the provisions of subdivision (c) of Section 17303.5 of the Education Code for the education of multihandicapped minors as set forth in this act.

(b) In the event that the amount authorized to be transferred to the State School Fund pursuant to subdivision (a) of Item 261 of the Budget Act of 1970 exceeds the amount required for purposes of the expenditures specified in subdivision (b) of Item 261 of the Budget Act of 1970, such excess shall, notwithstanding any provision of the Budget Act of 1970 or any other provision of law to the contrary, be reallocated and

transferred to the State School Fund for expenditure for the purposes specified in Item 261.5 of the Budget Act of 1970, to the extent necessary to offset the reallocation of funds effected by subdivision (a) of this section.

SEC. 16 It is the intent of the Legislature, if amendments to Section 6812 5 of the Education Code proposed by both this bill and A B 2074 are enacted, that both amendments be given effect and incorporated in Section 6812.5 in the form set forth in Section 7 5 of this act Therefore, in the event A B. 2074 is enacted and amends Section 6812 5, Section 7.5 of this act shall become operative at the same time that Section 6812 5 as amended by A.B. 2074 becomes operative, and at that time, Section 6812 5 of the Education Code as amended by Section 7 of this act is repealed.

SEC. 17 There is hereby appropriated from the General Fund to the Department of Education the sum of forty thousand dollars ($40,000), or so much thereof as may be necessary, to be expended for purposes of Section 6803.1 of the Education Code.

CHAPTER 1602

An act to amend Sections 22601 and 22601.5 of the Education Code, relating to Trustees of the California State Colleges.

[Approved by Governor September 20, 1970 Filed with Secretary of State September 20, 1970]

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

SECTION 1. Section 22601 of the Education Code is amended to read:

22601. The board shall be composed of the following four ex officio members: the Governor, the Lieutenant Governor, the Superintendent of Public Instruction, and the person named by the trustees to serve as the Chancellor of the California State Colleges; and 16 appointive members appointed by the Governor and subject to confirmation by two-thirds of the Senate The Speaker of the Assembly shall have the status of a legislative interim committee on the subject of the California State Colleges and shall meet with the board and participate in its work to the extent that such participation is not incompatible with his position as a Member of the Legislature.

SEC. 2. Section 22601.5 of the Education Code is amended to read:

22601 5 The term of the appointive trustees shall be eight years.

CHAPTER 1603

An act to amend Sections 849 and 851.6 of the Penal Code, relating to arrests and detentions.

[Approved by Governor September 20, 1970. Filed with Secretary of State September 20, 1970.]

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, shall, 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 shall 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 are insufficient grounds for making a criminal complaint against the person arrested.

(2) The person arrested was arrested for intoxication only, and no further proceedings are desirable.

(3) The person was arrested only for being under the influence of a narcotic, drug, or restricted dangerous drug and such person is delivered to a facility or hospital for treatment and no further proceedings are desirable.

(c) Any record of arrest of a person released pursuant to paragraphs (1) and (3) of subdivision (b) of shall include a record of release. Thereafter, such arrest shall not be deemed an arrest, but a detention only.

SEC. 2. Section 851.6 of the Penal Code is amended to read:

851.6. In any case in which a person is arrested and released pursuant to paragraphs (1) and (3) of subdivision (b) of Section 849, the person shall be issued a certificate, signed by the releasing officer or his superior officer, describing the action as a detention. The Attorney General shall prescribe the form and content of such certificate.

CHAPTER 1604

An act to amend Sections 5746 and 18358 of the Education Code, relating to handicapped adults.

[Approved by Governor September 20, 1970. Filed with Secretary of State September 20, 1970.]

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

SECTION 1. Section 5746 of the Education Code is amended to read:

5746. The governing board of any school district maintaining secondary schools or the county superintendent of schools, shall have the power, with the approval of the State Department of Education, to establish special classes for adults designed to serve the educational needs of handicapped adults. Such classes shall be directed to providing instruction in civic, vocational, literary, homemaking, technical, and general education.

Attendance of handicapped adults in such classes established by the county superintendent of schools shall be included for purposes of apportionments to the County School Service Fund.

SEC. 2. Section 18358 of the Education Code is amended to read:

18358. For all physically handicapped pupils, mentally retarded minors and educationally handicapped minors of secondary grade, and handicapped adults, educated by the county superintendent of schools and for all secondary schools maintained in juvenile halls, juvenile homes and juvenile camps by the county superintendent of schools, the Superintendent of Public Instruction shall allow the same amount as he would compute for the foundation program of a high school district under Section 17665.

However, with respect to handicapped adults, the following limits shall apply:

(a) The total of allowances for education of handicapped adults in classes established by the county superintendent of schools pursuant to Section 5746 shall not exceed fifty thousand dollars ($50,000) in any one fiscal year. The Superintendent of Public Instruction shall proportionally reduce apportionments for the attendance of handicapped adults in order to comply with the limitation prescribed by this subdivision.

(b) The Superintendent of Public Instruction shall allow for handicapped adults the amount specified in Section 17951 for each unit of average daily attendance for adults for high school districts.

CHAPTER 1605

An act to add Section 1246 to the Business and Professions Code, relating to clinical laboratories.

[Approved by Governor September 20, 1970. Filed with Secretary of State September 20, 1970.]

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

SECTION 1. Section 1246 is added to the Business and Professions Code, to read:

1246. Except as provided in Section 13354 of the Vehicle Code, an unlicensed person employed in a licensed clinical laboratory may perform venipuncture or skin puncture for the purpose of withdrawing blood for test purposes upon specific authorization from a licensed physician and surgeon provided that he meets all the following requirements:

(a) He works under the direct supervision of a person licensed under this chapter or of a licensed physician or surgeon.

(b) He has been trained by a licensed physician and surgeon or by a clinical laboratory bioanalyst in the proper procedure to be employed when withdrawing blood in accordance with training requirements established by the State Board of Public Health and has a statement signed by the instructing physician and surgeon or by the instructing clinical laboratory bioanalyst that such training has been successfully completed.

CHAPTER 1606

An act to add Section 21684.1 to the Public Utilities Code, relating to the Airport Assistance Revolving Fund.

[Approved by Governor September 20, 1970. Filed with Secretary of State September 20, 1970.]

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

SECTION 1. Section 21684.1 is added to the Public Utilities Code, to read:

21684.1. Notwithstanding the provisions of Section 21683, any balance remaining in the fund after the payments made under Section 21682 may be used by the department to purchase emergency search and rescue equipment and to make such equipment available for use by recognized search and rescue groups. The equipment shall remain the property of the department. No more than eight thousand dollars ($8,000) shall be expended pursuant to this section for the purchase of emergency search and rescue equipment.

CHAPTER 1607

An act to amend Section 602 of the Penal Code, relating to trespass.

[Approved by Governor September 20, 1970. Filed with Secretary of State September 20, 1970.]

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

SECTION 1. Section 602 of the Penal Code is amended to read:

602. Every person who willfully commits a trespass by any of the following acts is guilty of a misdemeanor:

(a) Cutting down, destroying, or injuring any kind of wood or timber standing or growing upon the lands of another.

(b) Carrying away any kind of wood or timber lying on such lands.

(c) Maliciously injuring or severing from the freehold of another anything attached thereto, or the produce thereof.

(d) Digging, taking, or carrying away from any lot situated within the limits of any incorporated city, without the license of the owner or legal occupant thereof, any earth, soil, or stone.

(e) Digging, taking, or carrying away from land in any city or town laid down on the map or plan of such city, or otherwise recognized or established as a street, alley, avenue, or park, without the license of the proper authorities, any earth, soil or stone.

(f) Maliciously tearing down, damaging, mutilating, or destroying any sign, signboard or notice placed upon, or affixed to, any property belonging to the state, or to any city, county, city and county, town or village, or upon any property of any person, by the state or by an automobile association, which sign, signboard or notice is intended to indicate or designate a road or roads, or a highway or highways, or is intended to direct travelers from one point to another, or relates to fires, fire control, or any other matter involving the protection of the property, or putting up, affixing, fastening, printing, or painting upon any property belonging to the state, or to any city, county, town, or village, or dedicated to the public, or upon any property of any person, without license from the owner, any notice, advertisement, or designation of, or any name for any commodity, whether for sale or otherwise, or any picture, sign, or device intended to call attention thereto.

(g) Entering upon any lands owned by any other person whereon oysters or other shellfish are planted or growing; or injuring, gathering, or carrying away any oysters or other shellfish planted, growing, or being on any such lands, whether covered by water or not, without the license of the owner or legal occupant thereof; or destroying or removing, or causing to be removed or destroyed, any stakes, marks, fences, or signs intended to designate the boundaries and limits of any such lands.

(h) Willfully opening, tearing down, or otherwise destroying any fence on the enclosed land of another, or opening any gate, bar, or fence of another and willfully leaving it open without the written permission of the owner, or maliciously tearing down, mutilating, or destroying any sign, signboard, or other notice forbidding shooting on private property.

(i) Building fires upon any lands owned by another where signs forbidding trespass are displayed at intervals not greater than one mile along the exterior boundaries and at all roads and trails entering such lands, without first having obtained written permission from the owner of such lands or his agent, or the person in lawful possession thereof.

(j) Entering any lands, whether unenclosed or enclosed by fence, for the purpose of injuring any property or property rights or with the intention of interfering with, obstructing, or injuring any lawful business or occupation carried on by the owner of such land, his agent or by the person in lawful possession.

(k) Entering any lands under cultivation or enclosed by fence, belonging to, or occupied by, another, or entering upon uncultivated or unenclosed lands where signs forbidding trespass are displayed at intervals not less than three to the mile along all exterior boundaries and at all roads and trails entering such lands without the written permission of the owner of such land, his agent or of the person in lawful possession, and

(1) Refusing or failing to leave such lands immediately upon being requested by the owner of such land, his agent or by the person in lawful possession to leave such lands, or

(2) Tearing down, mutilating or destroying any sign, signboard, or notice forbidding trespass or hunting on such lands, or

(3) Removing, injuring, unlocking, or tampering with any lock on any gate on or leading into such lands; or

(4) Discharging any firearm.

(l) Entering and occupying real property or structures of any kind without the consent of the owner, his agent, or the person in lawful possession thereof.

(m) Driving any vehicle, as defined in Section 670 of the Vehicle Code, upon real property belonging to or lawfully occupied by another known not to be open to the general public, without the consent of the owner, his agent, or the person in lawful possession thereof.

(n) Refusing or failing to leave land, real property, or structures belonging to or lawfully occupied by another and not open to the general public, upon being requested to leave by a peace officer and the owner, his agent, or the person in lawful possession thereof.

(o) Entering upon any lands declared closed to entry as provided in Section 4256 of the Public Resources Code; provided, such closed areas shall have been posted with notices declaring such closure, at intervals not greater than one mile along the exterior boundaries or along roads and trails passing through such lands.

(p) Refusing or failing to leave a public building of a public agency during those hours of the day or night when the building is regularly closed to the public upon being requested to do so by a regularly employed guard, watchman, or custodian of the public agency owning or maintaining the building or property, if the surrounding circumstances are such as to indicate to a reasonable man that such person has no apparent lawful business to pursue.

CHAPTER 1608

An act to amend Section 602 of the Penal Code, relating to trespass.

[Approved by Governor September 20, 1970. Filed with Secretary of State September 20, 1970.]

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

SECTION 1. Section 602 of the Penal Code is amended to read:

602. Every person who willfully commits a trespass by any of the following acts is guilty of a misdemeanor:

(a) Cutting down, destroying, or injuring any kind of wood or timber standing or growing upon the lands of another.

(b) Carrying away any kind of wood or timber lying on such lands.

(c) Maliciously injuring or severing from the freehold of another anything attached thereto, or the produce thereof.

(d) Digging, taking, or carrying away from any lot situated within the limits of any incorporated city, without the license of the owner or legal occupant thereof, any earth, soil, or stone.

(e) Digging, taking, or carrying away from land in any city or town laid down on the map or plan of such city, or otherwise recognized or established as a street, alley, avenue, or park, without the license of the proper authorities, any earth, soil or stone.

(f) Maliciously tearing down, damaging, mutilating, or destroying any sign, signboard or notice placed upon, or affixed to, any property belonging to the state, or to any city, county, city and county, town or village, or upon any property of any person, by the state or by an automobile association, which sign, signboard or notice is intended to indicate or designate a road or roads, or a highway or highways, or is intended to direct travelers from one point to another, or relates to fires, fire control, or any other matter involving the protection of the property, or putting up, affixing, fastening, printing, or painting upon any property belonging to the state, or to any city, county, town, or village, or dedicated to the public, or upon any property of any person, without license from the owner, any notice, advertisement, or designation of, or any name for any commodity, whether for sale or otherwise, or any picture, sign, or device intended to call attention thereto.

(g) Entering upon any lands owned by any other person whereon oysters or other shellfish are planted or growing; or injuring, gathering, or carrying away any oysters or other shellfish planted, growing, or being on any such lands, whether covered by water or not, without the license of the owner or legal occupant thereof; or destroying or removing, or causing to be removed or destroyed, any stakes, marks,

fences, or signs intended to designate the boundaries and limits of any such lands.

(h) Willfully opening, tearing down, or otherwise destroying any fence on the enclosed land of another, or opening any gate, bar, or fence of another and willfully leaving it open without the written permission of the owner, or maliciously tearing down, mutilating, or destroying any sign, signboard, or other notice forbidding shooting on private property.

(i) Building fires upon any lands owned by another where signs forbidding trespass are displayed at intervals not greater than one mile along the exterior boundaries and at all roads and trails entering such lands, without first having obtained written permission from the owner of such lands or his agent, or the person in lawful possession thereof.

(j) Entering any lands, whether unenclosed or enclosed by fence, for the purpose of injuring any property or property rights or with the intention of interfering with, obstructing, or injuring any lawful business or occupation carried on by the owner of such land, his agent or by the person in lawful possession.

(k) Entering any lands under cultivation or enclosed by fence, belonging to, or occupied by, another, or entering upon uncultivated or unenclosed lands where signs forbidding trespass are displayed at intervals not less than three to the mile along all exterior boundaries and at all roads and trails entering such lands without the written permission of the owner of such land, his agent or of the person in lawful possession, and

(1) Refusing or failing to leave such lands immediately upon being requested by the owner of such land, his agent or by the person in lawful possession to leave such lands, or

(2) Tearing down, mutilating, or destroying any sign, signboard, or notice forbidding trespass or hunting on such lands, or

(3) Removing, injuring, unlocking, or tampering with any lock on any gate on or leading into such lands, or

(4) Discharging any firearm.

(*l*) Entering and occupying real property or structures of any kind without the consent of the owner, his agent, or the person in lawful possession thereof.

(m) Driving any vehicle, as defined in Section 670 of the Vehicle Code, upon real property belonging to or lawfully occupied by another and known not to be open to the general public, without the consent of the owner, his agent, or the person in lawful possession thereof.

(n) Refusing or failing to leave land, real property, or structures belonging to or lawfully occupied by another and not open to the general public, upon being requested to leave by a peace officer and the owner, his agent, or the person in lawful possession thereof.

(o) Entering upon any lands declared closed to entry as provided in Section 4256 of the Public Resources Code; pro-

vided, such closed areas shall have been posted with notices declaring such closure, at intervals not greater than one mile along the exterior boundaries or along roads and trails passing through such lands.

(p) Refusing or failing to leave a public building of a public agency during those hours of the day or night when the building is regularly closed to the public upon being requested to do so by a regularly employed guard, watchman, or custodian of the public agency owning or maintaining the building or property, if the surrounding circumstances are such as to indicate to a reasonable man that such person has no apparent lawful business to pursue.

CHAPTER 1609

An act to amend Section 19441 of, to add Section 19491 to, to add Article 9.5 (commencing with Section 19610) to Chapter 4 of Division 8 of, and to repeal Sections 19491, 19514, 19515, 19516, and 19596 of, the Business and Professions Code, relating to horseracing.

[Approved by Governor September 20, 1970. Filed with Secretary of State September 20, 1970.]

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

SECTION 1. Section 19441 of the Business and Professions Code is amended to read:

19441. The board shall annually make a full report to the Governor and the Legislature of its proceedings for the preceding fiscal year, on or before January 31, and shall embody therein such recommendations as it deems desirable.

SEC. 2. Section 19491 of the Business and Professions Code is repealed.

SEC. 3 Section 19491 is added to the Business and Professions Code, to read:

19491. (a) Subject to the provisions of Section 19491.5, and 19491.6, every association which conducts a racing meeting shall pay as an additional license fee one-half of the breakage deducted pursuant to Section 19597 on the first twenty-four million dollars ($24,000,000) or less of the total amount handled in the parimutuel pools relating to its meeting and all of the breakage deducted on amounts so handled in excess of twenty-four million dollars ($24,000,000).

(b) Every association which conducts a racing meeting shall distribute the remaining one-half of the breakage deducted pursuant to Section 19597 on the first twenty-four million dollars ($24,000,000) or less of the total amount handled in the parimutuel pools relating to the meeting as additional purses and for additional commissions in the same proportion, as between purses and commissions, as provided in Sections 19611 and 19612.

Payment of the fee shall be made weekly on account during each meeting, and the amount attributable to breakage shall be reported as a separate item.

SEC. 4. Section 19514 of the Business and Professions Code is repealed.

SEC. 5. Section 19515 of the Business and Professions Code is repealed.

SEC. 6. Section 19516 of the Business and Professions Code is repealed.

SEC. 7. Section 19596 of the Business and Professions Code is repealed.

SEC. 8. Article 9.5 (commencing with Section 19610) is added to Chapter 4 of Division 8 of the Business and Professions Code, to read:

Article 9.5. License Fees, Commissions, and Purses

19610. (a) Every association which conducts a racing meeting shall deduct from the total amount handled in parimutuel pools conducted by it, a percentage thereof to be distributed as license fees, commissions and purses as prescribed herein.

(b) The base rates set forth in subdivision (a) of Section 19611 and subdivision (a) of Section 19612 shall be applied on the first twenty million dollars ($20,000,000) handled, and in addition thereto percentage rates on the amount handled in excess of twenty million dollars ($20,000,000) shall be applied on the basis of the rate applicable for the total amount handled by the association for the period of its entire race meeting as set forth in Sections 19611 and 19612.

19611. (a) With respect to thoroughbred racing, every association which conducts a meeting shall distribute on all money not in excess of twenty million dollars ($20,000,000) handled in its parimutuel pools for such racing the base percentage amounts as follows: 6.10 percent license fee; 3.94 percent purses, and 5.01 percent commission.

(b) With respect to thoroughbred racing, every association shall distribute on the amount handled in excess of twenty million dollars ($20,000,000) in addition to the base rate, the following amounts:

(1) As to those associations handling more than twenty million dollars ($20,000,000) but not more than forty million dollars ($40,000,000), on such amount as exceeds twenty million dollars ($20,000,000): 5 70 percent license fee; 4.11 percent purses; and 5.24 percent commission.

(2) As to those associations handling more than forty million dollars ($40,000,000) but not more than seventy-five million dollars ($75,000,000), on such amount as exceeds twenty million dollars ($20,000,000): 6.55 percent license fee; 3 74 percent purses; and 4.76 percent commission.

(3) As to those associations handling more than seventy-five million dollars ($75,000,000) but not more than one

hundred twenty million dollars ($120,000,000), on such amount as exceeds twenty million dollars ($20,000,000): 6.85 percent license fee; 3.61 percent purses; and 4.59 percent commission.

(4) As to those associations handling more than one hundred twenty million dollars ($120,000,000) but not more than one hundred eighty million dollars ($180,000,000), on such amount as exceeds twenty million dollars ($20,000,000): 7.15 percent license fee; 3.48 percent purses; and 4.42 percent commission.

(5) As to those associations handling more than one hundred eighty million dollars ($180,000,000), on such amount as exceeds twenty million dollars ($20,000,000): 7.45 percent license fee; 3.34 percent purses; and 4.26 percent commission.

19612. (a) With respect to racing other than thoroughbred, every association which conducts a meeting shall distribute on all money not in excess of twenty million dollars ($20,000,000) handled in its parimutuel pools for such racing the base percentage amounts as follows: 6.10 percent license fee; 3.71 percent purses; and 5.44 percent commission.

(b) With respect to racing other than thoroughbred racing, every association shall distribute on the amount handled in excess of twenty million dollars ($20,000,000) in addition to the base rate, the following amounts:

(1) As to those associations handling more than twenty million dollars ($20,000,000) but not more than forty million dollars ($40,000,000), on such amount as exceeds twenty million dollars ($20,000,000): 5.70 percent license fee; 3.87 percent purses; and 5.68 percent commission.

(2) As to those associations handling more than forty million dollars ($40,000,000) but not more than seventy-five million dollars ($75,000,000), on such amount as exceeds twenty million dollars ($20,000,000): 6.55 percent license fee; 3.52 percent purses; and 5.18 percent commission.

(3) As to those associations handling more than seventy-five million dollars ($75,000,000) but not more than one hundred twenty million dollars ($120,000,000), on such amount as exceeds twenty million dollars ($20,000,000): 6.85 percent license fee; 3.40 percent purses; and 5.00 percent commission.

(4) As to those associations handling more than one hundred twenty million dollars ($120,000,000) but not more than one hundred eighty million dollars ($180,000,000) on such amount as exceeds twenty million dollars ($20,000,000): 7.15 percent license fee; 3.28 percent purses and 4.82 percent commission.

(5) As to those associations handling more than one hundred eighty million dollars ($180,000,000), on such amount as exceeds twenty million dollars ($20,000,000): 7.45 percent license fee; 3.16 percent purses, and 4.64 percent commission.

19613. (a) The portion deducted for purses pursuant to Sections 19611 and 19612 shall be paid to or for the benefit of the horsemen at the racing meeting.

(b) Any association conducting a thoroughbred racing meeting at which the total amount handled in the parimutuel pools relating to such meeting exceeds twenty million dollars ($20,000,000) shall pay to the horsemen's organization contracting with the association with respect to the conduct of racing meetings for administrative expense and services rendered to the horsemen an amount equivalent to 1 percent of such portion less 0.44 percent of any actual losses sustained at the meeting on parimutuel minus pools. The remainder of such portion shall be distributed as purses.

(c) Any other association may pay to the horsemen's organization contracting with the association with respect to the conduct of racing meetings for administrative expense and services rendered to the horsemen such amount out of such portion as may be determined by the association by agreement or otherwise. The remainder of such portion shall be distributed as purses.

19614. Notwithstanding any provision to the contrary in this chapter, any association which handles twenty million dollars ($20,000,000) or less in the parimutuel pools operated by it during the course of a racing meeting shall be exempt from the requirements of Sections 19611 and 19612 which prescribe the amount which shall be paid for purses, and the provisions of subdivision (c) of Section 19615. Any such association shall deduct from the total amount handled in parimutuel pools relating to its meeting 15.25 percent thereof to be distributed as license fees, commissions, and purses, and shall pay a license fee of 5½ percent on the amount handled by it in lieu of any other base rate, or rates, otherwise provided for. The remaining 9.75 percent so deducted shall be distributed as commissions and purses. No such association, or its successor in interest, shall pay the reduced license fee provided for herein for more than five years after July 1, 1970.

19615. (a) The board shall provide a method for estimating the aggregate handle for each association's proposed race meeting. Estimates may be revised during the course of such meeting. Based upon the estimate, each association shall pay its license fee weekly, and purses shall be reasonably allocated over the period of the association's anticipated race meeting pursuant to a purse program developed by the association in consultation with the horsemen's organization contracting with the association with respect to the conduct of racing meetings subject to approval of the board.

(b) Within seven (7) days after the close of a race meeting an association shall pay any license fee theretofore unpaid, or shall have refunded to it any excess license fee theretofore paid.

(c) If at the close of a thoroughbred racing meeting at which the total amount handled in the parimutuel pools relating to such meeting exceeds twenty million dollars ($20,000,000) it is determined that the association conducting the meeting has not made payments to or for the benefit of own-

ers and breeders of horses in an amount equaling the percentages set forth in Sections 19611 and 19612, any excess shall be deducted from, and any deficiency not in excess of an amount agreed upon between the association and the horsemen's organization contracting with the association with respect to the conduct of racing meetings shall be added to the amount such association is required to pay to or for the benefit of owners and breeders of horses at its racing meeting in the following calendar year. Any deficiency in excess of the amount agreed upon shall be distributed as provided in such agreement.

(d) If at the close of any other racing meeting it is determined that the association conducting the meeting has not made payments to or for the benefit of owners and breeders of horses in an amount equaling the percentages set forth in Sections 19611 and 19612 of this chapter, any excess shall be deducted from, and any deficiency shall be added to, the amount such association is required to pay to or for the benefit of owners and breeders of horses at its racing meeting in the following calendar year.

19616. Any racing association conducting a thoroughbred racing meeting at which the total amount handled in the parimutuel pools relating to such meeting exceeds twenty million dollars ($20,000,000) shall deduct an additional two-tenths of 1 percent of the total amount so handled for payments pursuant to Section 19617.

19617. (a) Any association conducting a thoroughbred racing meeting at which the total amount handled in the parimutuel pools exceeds twenty million dollars ($20,000,000) shall at the end of such meeting deposit in a separate account with a depository approved by the board the amount of two-tenths of 1 percent of the amount so handled referred to in Section 19616.

(b) The board or such agent as it may direct shall distribute such funds pursuant to Section 19567 to the breeders of California-bred horses becoming entitled thereto at such thoroughbred racing meeting. All other racing associations shall pay the sums required to be paid by Section 19567 out of commissions deducted pursuant to Sections 19611 and 19612.

(c) At the end of each fiscal year the balance of such fund shall be distributed by the board or such agent as it may direct as stallion awards. Stallion awards shall be made on a prorated percentage basis to the owner of the sire of California-bred horses which win one or more races in this state, each having a total purse value of ten thousand dollars ($10,000) or more. Such award shall not be made to the owner of a stallion which has been out of the state for breeding purposes during the calendar year.

(d) The board shall report annually to the Governor and the Legislature with respect to such distributions.

19618. (a) No person licensed under this chapter to conduct a racing meeting shall pay or distribute directly or in-

directly to or on behalf of any horse owner, or to any agent, or person or organization representing any horse owner or owners, as purses or similar payment to or for the benefit of horsemen, any consideration other than that expressly provided for in this chapter.

(b) No horse owner, nor any agent or person or organization representing any horse owner or owners, shall receive, solicit or obtain from any person licensed under this chapter to conduct a race meeting as purses or similar payment to or for the benefit of horsemen, any consideration other than that expressly provided for in this chapter.

(c) No plaque, cup, tray, ribbon, trophy, or similar award given in recognition of achievement or special event shall be deemed to be consideration for the purpose of this section.

(d) This section shall not apply to any contribution by any association to a welfare fund established by an organization of horse breeders or owners.

(e) This section shall not apply to any payment by an association in connection with any match race or special racing event.

(f) This section shall not apply to any payment or distribution by a non-dividend-paying corporation in accordance with its articles and bylaws.

CHAPTER 1610

An act to add Sections 11126.5 and 54957.9 to the Government Code, relating to meetings.

[Approved by Governor September 20, 1970. Filed with Secretary of State September 20, 1970.]

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

SECTION 1. Section 11126.5 is added to the Government Code, to read:

11126.5. In the event that any meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting the members of the state agency conducting the meeting may order the meeting room cleared and continue in session. Nothing in this section shall prohibit the state agency from establishing a procedure for readmitting an individual or individuals not responsible for willfully disturbing the orderly conduct of the meeting. Only matters appearing on the agenda may be considered in such a session. Duly accredited representatives of the press or other news media except those participating in the disturbance, shall be allowed to attend any session held pursuant to this section.

SEC. 2. Section 54957.9 is added to the Government Code, to read:

54957.9. In the event that any meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the members of the legislative body conducting the meeting may order the meeting room cleared and continue in session. Only matters appearing on the agenda may be considered in such a session. Duly accredited representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this section. Nothing in this section shall prohibit the legislative body from establishing a procedure for readmitting an individual or individuals not responsible for willfully disturbing the orderly conduct of the meeting.

SEC. 3. The Legislature finds that it is in the public interest to allow duly accredited representatives of the press or other news media to attend sessions from which members of the general public have been excluded by reason of a willful disturbance.

CHAPTER 1611

An act to amend Sections 11901 and 11916 of the Health and Safety Code, relating to restricted dangerous drugs.

[Approved by Governor September 20, 1970. Filed with Secretary of State September 20, 1970.]

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

SECTION 1. Section 11901 of the Health and Safety Code is amended to read:

11901. "Restricted dangerous drugs," as used in this division, means any of the following:

(a) "Hypnotic drug" including acetyluria derivatives, barbituric acid derivatives, chloral, paraldehyde, sulfomethane derivatives, or any compounds or mixtures or preparations that may be used for producing hypnotic effects.

(b) "Amphetamine" including amphetamine, desoxyephedrine, or compounds or mixtures thereof.

(c) "Lysergic acid," "LSD" (lysergic acid diethylamide); "DMT" (N-N-dimethyltryptamine); "STP" (4-methyl-2,5-dimethoxy alpha methyl phenethylamine) or (4-methyl-2,5-dimethoxyamphetamine); "Psilocybin" (ortho-phosphoryl-4-hydroxy-N-dimethyltryptamine); "psilocyn"; "bufotenine" 3-(6 dimethylaminoethyl)-5-hydroxyindole or 3-(2-dimethylaminoethyl)-5-indolol or N, N-dimethylserotonin or 5-hydroxy-N-dimethyltryptamine; "DET" N, N-diethyltryptamine; "ibogaine" 7-ethyl-6, 6a, 7, 8, 9, 10, 12, 13-octahydro-2-methoxy-6, 9-methano-5H-pyrido (1′, 2′: 1, 2 azepino (4, 5-b) *indole*; "MDA," alpha-methyl-3,4-methylenedioxyphenethylamine; and "PCP," 1-phenyl-1-piperidinocyclohexane; in-

cluding their salts and derivatives, or any compounds, mixtures, or preparations which are chemically identical with such substances.

(d) Any other substance or preparation, which the Department of Public Health, after investigation, has found to have, and by regulation adopted pursuant to the Administrative Procedure Act designates as having, a potential for abuse because of its hallucinogenic effect; except that the department shall not designate under this subdivision any substance included in Section 11001 or 11002 of this code or Section 23004 of the Business and Professions Code. The authority of the department to adopt regulations pursuant to this subdivision shall not be exercised except during those times when the Legislature is not meeting in regular session. The department may, by regulation, exempt any hallucinogenic drug, other than those listed in subdivision (c), from the application of all or part of this division when it finds that regulation of such drug as provided in this division is not necessary for the protection of the public health. Substances or preparations designated by regulations adopted pursuant to this subdivision shall be the same insofar as practicable as those designated as having a potential for abuse because of their hallucinogenic effect by the United States Department of Health, Education, and Welfare. Any regulation adopted pursuant to this subdivision shall be drafted in the form of a proposed law for submission to the next succeeding regular session of the Legislature and shall not remain in effect beyond 61 days after the final adjournment of that session of the Legislature. Notwithstanding any other provision of law, any violation of Section 11910 which involves solely a substance or preparation designated pursuant to this subdivision shall be punished by a fine of not more than five hundred dollars ($500) or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment; any violation of any other provision of this division which involves solely a substance or preparation designated pursuant to this subdivision shall be punished by a fine of not more than one thousand dollars ($1,000) or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment.

SEC. 2. Section 11916 of the Health and Safety Code is amended to read:

11916. The provisions of this chapter do not apply to the investigational use of any of the items listed in subdivision (c) or (d) of Section 11901 for research purposes by qualified experts having the approval of the Research Advisory Panel pursuant to Section 11655.5. Nothing in this chapter authorizes the possession or furnishing by prescription of LSD, DMT, STP, or Psilocybin including their salts and derivatives, or any compounds, mixtures, or preparations which are chemically identical with such substances.

CHAPTER 1612

An act to amend Section 19617 as proposed to be added by Senate Bill No 1199 of the 1970 Regular Session of the Legislature to the Business and Professions Code, relating to horseracing.

[Approved by Governor September 20, 1970 Filed with Secretary of State September 20, 1970]

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

SECTION 1. Section 19617 as proposed to be added by Senate Bill No 1199 of the 1970 Regular Session of the Legislature to the Business and Professions Code is amended to read:

19617. (a) Any association conducting a thoroughbred racing meeting at which the total amount handled in the parimutuel pools exceeds twenty million dollars ($20,000,000) shall at the end of such meeting deposit in a separate account with a depository approved by the board the amount of two-tenths of 1 percent of the amount so handled referred to in Section 19616.

(b) The board or such agent as it may direct shall distribute such funds pursuant to Section 19567 to the breeders of California-bred horses becoming entitled thereto at such thoroughbred racing meeting. All other racing associations shall pay the sums required to be paid by Section 19567 out of the amount deducted pursuant to Sections 19611 and 19612.

(c) At the end of each fiscal year the balance of such fund shall be distributed by the board or such agent as it may direct as stallion awards. Stallion awards shall be made on a prorated percentage basis to the owner of the sire of California-bred horses which win one or more races in this state, each having a total purse value of ten thousand dollars ($10,000) or more Such award shall not be made to the owner of a stallion which has been out of the state for breeding purposes during the calendar year.

(d) The board shall report annually to the Governor and the Legislature with respect to such distributions.

CHAPTER 1613

An act to add Article 15 (commencing with Section 429.40) to Chapter 2 of Part 1 of Division 1 of the Health and Safety Code, relating to rubella, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 20, 1970 Filed with Secretary of State September 20, 1970]

I hereby reduce the appropriation contained in Senate Bill No 432 from $750,000 to $200,000

With this reduction, I approve the bill

RONALD REAGAN, Governor

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

SECTION 1. Article 15 (commencing with Section 429.40) is added to Chapter 2 of Part 1 of Division 1 of the Health and Safety Code, to read:

Article 15. Rubella Prevention

429.40. The State Department of Public Health shall provide financial assistance to county and areawide immunization campaigns under the direction of local health officers for the prevention of rubella.

429.41. All moneys appropriated to the department for the purposes of this article shall be made available to local health departments, as defined in Section 1102, or to areawide associations of local health departments. All moneys received by such local departments or areawide associations shall be utilized only for the purchase of rubella vaccines, other necessary supplies and equipment for rubella immunization campaigns, and promotional costs of such campaigns No moneys appropriated for the purpose of this article shall be used by the State Department of Public Health or by any local department or areawide association for administrative purposes, and no such moneys may be used to supplant or support local health department clinics and programs already regularly operated by such departments but may be used only for additional county or areawide rubella immunization campaigns. All moneys appropriated for the purposes of this article shall be expended by March 31, 1971.

429.42. The department may adopt standards, rules, and regulations necessary to carry out the intent of this article. Such standards, rules, and regulations shall be adopted only after consultation with and approval of the California Conference of Local Health Officers

429.43 The governing body of any city, county, or city and county, may charge and collect a fee for any immunization it makes for the prevention of rubella pursuant to any campaign described in this article at a rate which is reasonable and necessary to pay for the costs of such immunization.

SEC. 2. There is hereby appropriated from the General Fund to the State Department of Public Health the sum of seven hundred fifty thousand dollars ($750,000) for the purposes of Article 15 (commencing with Section 429.40) of Chapter 2 of Part 1 of Division 1 of the Health and Safety Code.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the State Constitution, and shall go into immediate effect. The facts constituting such necessity are:

There is an urgent need to prevent an epidemic of rubella expected to occur within the next two years. Such an epidemic

might result in over 2 000 children born in California with congenital defects. Further, there would be a great loss in time from school and work by those afflicted with the disease. A safe and effective vaccine is now available through private physicians and public health clinics. The State Department of Public Health, the California Conference of Local Health Officers, and the California Medical Association have stated, however, that additional community programs will be necessary to eliminate rubella as rapidly as possible. There are grossly inadequate funds available to carry out countywide vaccination campaigns to prevent the anticipated epidemic.

CHAPTER 1614

An act appropriating funds for increases in compensation for members of the California Highway Patrol, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 20, 1970 Filed with Secretary of State September 20, 1970]

I hereby reduce the appropriation contained in Assembly Bill No 1333 from $4,175,024 to $2,505,015
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 to the Department of the California Highway Patrol from the Motor Vehicle Fund the sum of four million one hundred seventy-five thousand twenty-four dollars ($4,175,024) for augmentation of Item 247 of the Budget Act of 1970 for the period July 1, 1970, to June 30, 1971. The sum appropriated by this act shall be in addition to any amounts appropriated in the Budget Act of 1970 for increases in salary ranges of members of the California Highway Patrol.

SEC. 2. Before any increased salary range or rate established for any position for the period July 1, 1970, to June 30, 1971, shall become effective, a certification shall be obtained from the Director of Finance that sufficient money is available to meet the cost of such increases.

SEC. 3. The money appropriated by this act shall be used to raise the salary range of members of the California Highway Patrol which have fallen substantially behind compensation for comparable work within public 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 members of the California Highway Patrol has fallen substantially behind compensation for other classes within public service who do comparable and often

identical work. Unless there is a prompt and adequate realignment of the compensation of the members of the California Highway Patrol, 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 members of the California Highway Patrol, and state service will suffer serious and irreparable harm. It is therefore necessary that this legislation be given immediate effect.

CHAPTER 1615

An act to add an article heading immediately preceding Section 18200 of, and Article 2 (commencing with Section 18210) to Chapter 3 of Part 6 of Division 9 of, the Welfare and Institutions Code, relating to public social services, and making an appropriation therefor.

[Approved by Governor September 20, 1970. Filed with Secretary of State September 20, 1970.]

I hereby delete the $50,000 appropriation contained in Assembly Bill No. 592.
With this deletion, I approve the bill.

RONALD REAGAN, Governor

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

SECTION 1. An article heading is added to Chapter 3 of Part 6 of Division 9 of the Welfare and Institutions Code, immediately preceding Section 18200, to read:

Article 1. General Provisions

SEC. 2. Article 2 (commencing with Section 18210) is added to Chapter 3 of Part 6 of Division 9 of the Welfare and Institutions Code, to read:

Article 2. Pilot Food Program

18210. In addition to other demonstration projects authorized under this chapter a pilot project shall be conducted pursuant to this article. This project shall commence January 1, 1971, and be limited to two counties, one in the northern and one in the southern part of this state, which are willing to participate and are designated for participation by the department.

18211. A designated county may prepare and deliver, or contract to be prepared and delivered, meals in the county to handicapped or infirm persons eligible for public assistance under Chapter 3 (commencing with Section 12000), Chapter 4 (commencing with Section 12500), Chapter 5 (commencing with Section 13000), and Chapter 6 (commencing with Section 13500) of Part 3 of this division or any handicapped or infirm persons who meet the eligibility requirements of aid to the aged except for their age and who without such service may be required to live in a protective living arrangement. A desig-

nated county may provide such service to other persons unable to properly provide meals for themselves and who are unable to secure assistance to do so who shall pay the full cost of such meals to the county. The service may be provided pursuant to contract by the county with another public or private organization.

18212. The department shall develop and test as a part of the pilot project under this article methods under which persons furnished meals as provided under Section 18211 may be charged a portion of the cost of home-delivered meals based on their ability to pay, provided that the charges for any meals provided to a recipient shall not exceed one-third of the daily food allowance of that recipient.

18212.5. In carrying out the provisions of this article the department shall cooperate with, secure information from, and study the methods and procedures of any voluntary nonprofit organization with the consent of such organization that is conducting similar federally funded projects on the effective date of this act.

18213. The department shall actively seek, and make maximum use of, federal funds which might be available for the purposes of this chapter.

18214. The department shall make annual progress reports to the Legislature including, but not limited to, a cost and benefit analysis of the program established pursuant to this article and any information and comparative analysis of other programs secured pursuant to Section 18212.5 not later than the fifth legislative day of the legislative session, commencing with the 1971 Regular Session of the Legislature.

18215. There is hereby appropriated from the General Fund the sum of fifty thousand dollars ($50,000) provided that the federal government makes available an amount equal to or in excess of such sum prior to July 1, 1971, for allocation to the designated counties for the purposes of this article.

CHAPTER 1616

An act to amend Sections 8503, 8551, and 8571 of, to add Chapter 5.5 (commencing with Section 565) to Division 2 of, to add Section 9305.5 to, and to repeal Sections 363.5 and 6011.5 of, the Education Code, relating to conservation education, and making an appropriation therefor.

[Approved by Governor September 20, 1970. Filed with Secretary of State September 20, 1970.]

I hereby delete the $176,000 and the $500,000 appropriations contained in Assembly Bill No. 1050.
With these deletions, I approve the bill.
RONALD REAGAN, Governor

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

SECTION 1. Section 363.5 of the Education Code is repealed.

SEC 2. Chapter 5.5 (commencing with Section 565) is added to Division 2 of the Education Code, to read:

CHAPTER 5.5. ENVIRONMENTAL EDUCATION ACT OF 1970

Article 1. Statements of Policy

565. The Legislature finds and declares that throughout the state and nation, there is a growing public awareness of the serious environmental and resource use problems facing mankind, and that the citizens of the State of California expect the educational institutions of this state to equip students with the knowledge and attitudes necessary to develop solutions to these problems.

565.1. The Legislature further finds and declares that an informed public working for the common environmental good through its democratic institutions at all educational and professional levels and among all interested private parties can break the chain of destructive land use, restore land which has been improperly abused, and build balance and beauty into our cities of the future.

565.2. The Legislature further finds and declares that an educational program is needed which is designed to build necessary attitudes of stewardship toward the maintenance of the quality of our common environment and to enable all citizens to use wisely, and not destructively, the resources at their disposal.

565.3. The Legislature further finds and declares that without appropriate long-term funding, and without effective programs to encourage efforts and innovations at the school district level, and without needed materials and meaningful outdoor study opportunities, conservation education will remain a stepchild in the crowded family of public education.

565.4. The Legislature further finds and declares that man has a moral obligation to understand the world in which he lives and to protect, enhance, and make the highest use of the land and resources he holds in trust for future generations, and that the dignity and worth of the individual requires a quality environment in which he can develop the full potentials of his spirit and intellect.

565.5. The Legislature further finds and declares that conservation education should be a means of achieving an educational philosophy that will help each student develop a healthy attitude of personal responsibility toward his environment and its resources and provide him with the concepts, the knowledge, and the skills needed to contribute meaningfully to the decisionmaking process on issues involving the environment and its resources.

565.6. The Legislature further finds and declares that in all grade levels, environmental facts should be taught as they relate to each other, rather than as isolated bits of information, and that students should become aware of the interrelated nature of living processes, gain understanding of ecological re-

lationships and of the effect of human activities upon these relationships, and become sensitive to the interdependence of man and natural resources.

565.7. It is the intent of the Legislature in enacting this chapter to encourage development of educational programs for teachers and students commensurate with the importance of protecting scarce resources and safeguarding the quality of our environment.

Article 2. Advisory Committee on Conservation Education

566. There is in the state government an Advisory Committee on Conservation Education, consisting of 13 members, who shall be appointed by the State Board of Education to serve at the pleasure of the board. The members shall be representatives of conservation, education, business, professional, and governmental interests and have recognized expertise in matters relating to environmental control and wise use of natural resources.

566.1. The committee shall assist and advise the State Board of Education and the Department of Education in the development of educational opportunities for students and teachers which will promote understanding of: (a) the necessity for wise use of natural resources; (b) the interrelated nature of living processes; and (c) the impact upon the environment and ecological systems of pollution and major land alterations.

566.2. Members of the committee shall serve without compensation, except that they shall receive their actual and necessary expenses incurred in the performance of their duties, including traveling expenses.

566.3. Members of the committee shall meet at the times designated by the State Board of Education.

566.4. The committee shall select from among its members a chairman and vice chairman. The consultant to the Conservation Education Service shall serve as executive secretary of the committee.

Article 3. The Conservation Education Service

567. There is in the Department of Education the Conservation Education Service.

567.1. The Conservation Education Service shall encourage the development of educational opportunities specifically related to the conservation, the interpretation, and the use of the natural resources of the State of California, including, but not limited to, the development of nature centers, the development of conservation and wildlife education camps, and the development of the educational curriculum in relation to the conservation of natural resources and factors affecting environmental quality.

567.2. The Conservation Education Service shall have the following additional powers and duties:

(1) To assist school districts and county superintendents of schools in preparing teachers to present concepts of conservation, the effects of pollution and major land alterations on ecological systems, and the factors affecting the quality of the environment.

(2) To cooperate with and assist community colleges, state colleges, and the University of California in the development of preservice programs designed to prepare teachers to present concepts and facts relating to conservation, the effects of pollution and major land alterations on ecological systems, and factors affecting the quality of the environment.

(3) To assist school districts and county superintendents of schools in the development or acquisition, or both, of materials relating to wise use of resources and environmental issues.

(4) To assist school districts in the development of educational curriculum and educational opportunities for students, relating to the conservation of resources, factors affecting ecological systems and the quality of man's environment. Such opportunities may include but shall not be limited to, the development of outdoor education programs, nature centers, conservation and wildlife education camps, and participation in field trips.

(5) To establish and maintain a Central Library and Repository for conservation education materials pursuant to Article 4 (commencing with Section 568) of this chapter.

567.3. The Conservation Education Service shall have such other powers and duties as shall be vested in it by law.

Article 4. Conservation Education Library

568. There is in the Department of Education a Central Library and Repository for conservation education materials. Such materials may be developed by private conservation groups, by industry, and by professional, scientific, and governmental sources.

568.1. The purpose of the library shall be to serve as a master source of materials for the Conservation Education Service, public school districts, county superintendents of schools, and any regional conservation education centers which may be established.

568.2. The department shall, in establishing the library, explore new methods in data processing, new library procedures, and new means for distributing materials to local school districts, county superintendents of schools, and any regional conservation education centers which may be established.

568.3. The library shall thoroughly evaluate new materials for validity, pertinence, objectivity, and usefulness, and shall

advise the state board in the adoption of textbooks in regard to meeting the requirements for conservation education.

Article 5. Grants for Conservation Education

568.9. The State Superintendent of Public Instruction, upon the recommendation of the Conservation Education Service, is authorized to make planning and implementation grants to individual school districts, or groups of school districts, unified school districts, county superintendents of schools, the University of California, the state colleges, and the community colleges to assist such entities in the development of programs and curriculum in conservation education.

569. The governing board of any school district, a county superintendent of schools, the governing board of any district maintaining a community college, and any regional conservation education center which may be established may apply to the Conservation Education Service for planning and implementation grants for purposes of conservation education.

569.1. In applying for grants pursuant to Section 569, the governing board of any school district, a county superintendent of schools, the governing board of any district maintaining a community college, and regional conservation centers shall assign priority to programs of in-service training in conservation education for teachers through cooperation with appropriate community, state, and federal agencies and university and college teacher education programs.

569.2. Public universities and colleges maintaining teacher education programs may apply to the Conservation Education Service for grants to support special programs designed to provide preservice training for teachers in environmental control and the wise use of resources.

569.3. State and local agencies, including cities, counties, regional boards and commissions, and special districts may apply to the Conservation Education Service for grants for programs to enhance conservation education in the public schools.

569.4. The Superintendent of Public Instruction, upon the recommendation of the Conservation Education Service, is authorized to make grants pursuant to this article. Grants may also be made for the development of materials for use in the public schools, for support of education programs, and for special assistance to school districts, any regional conservation education centers which may be established, or county superintendents of schools in conjunction with approved programs.

Article 6. Environmental Internship Program

570. Upon the approval of appropriate school district personnel, or the approval of the county superintendent of schools as to students under his jurisdiction, and with the written approval of the parent or guardian of the student, a student in grade 11 or 12, who will be at least 17 years of age at the commencement of his junior year, may be employed as an en-

vironmental intern by a federal, state, or local agency in California concerned with the regulation of natural resources or with the protection of the environment during the summer vacation period. These agencies shall include, but not be limited to, the Resources Agency, the Agriculture and Services Agency, the Business and Transportation Agency, the Department of Fish and Game, the Department of Conservation, the Department of Parks and Recreation the Department of Water Resources, the State Water Resources Control Board, the State Air Resources Board, the State Lands Division, California regional water quality control boards, air pollution control districts, mosquito abatement districts, soil conservation districts, local planning agencies, and county and city park and recreation departments.

570.1. Duties of environmental interns employed pursuant to this article shall be established by the employing agency in conjunction with the local school district or the county superintendent of schools and shall be oriented towards providing maximum exposure to problems of environmental control and resource use.

570.2. Approval of environmental internships shall be required by the district superintendent or the county superintendent of schools.

570.3. Successful completion of a summer program and submission by the environmental intern of a suitable project report to the school district may result in academic credit towards graduation from high school Such students may be deemed to be temporarily employees of the agency involved for purposes of social security, unemployment insurance, and workmen's compensation or may be deemed for these purposes to be employees of the school district or the county superintendent of schools.

570.4. The school district or county superintendent of schools and the employing agency shall jointly apply to the Conservation Education Service for funds. The Superintendent of Public Instruction, upon the recommendation of the Advisory Committee on Conservation Education, and with the approval of the State Board of Education, is authorized to make grants for the purposes of this article, and for remuneration of interns and for travel and other job-related expenses, in an amount per person not to exceed three hundred twenty dollars ($320) per month.

SEC. 3. Section 6011.5 of the Education Code is repealed.

SEC. 4. Section 8503 of the Education Code is amended to read:

8503. The adopted course of study shall provide instruction at the appropriate elementary and secondary grade levels and subject areas in personal and public safety and accident prevention; fire prevention; the protection and conservation of resources, including the necessity for the protection of our

environment; and health, including the effects of alcohol, narcotics, drugs, and tobacco upon the human body.

SEC. 5. Section 8551 of the Education Code is amended to read:

8551. The adopted course of study for grades 1 through 6 shall include instruction, beginning in grade 1 and continuing through grade 6, in the following areas of study:

(a) English, including knowledge of, and appreciation for literature and the language, as well as the skills of speaking, reading, listening, spelling, handwriting, and composition.

(b) Mathematics, including concepts, operational skills, and problem solving.

(c) Social sciences, drawing upon the disciplines of anthropology, economics, geography, history, political science, psychology, and sociology, designed to fit the maturity of the pupils. Instruction shall provide a foundation for understanding the history, resources, development, and government of California and the United States of America; the development of the American economic system including the role of the entrepreneur and labor; man's relations to his human and natural environment; eastern and western cultures and civilizations; and contemporary issues.

(d) Science, including the biological and physical aspects, with emphasis on the processes of experimental inquiry and on man's place in ecological systems.

(e) Fine arts, including instruction in the subjects of art and music, aimed at the development of aesthetic appreciation and the skills of creative expression.

(f) Health, including instruction in the principles and practices of individual, family, and community health.

(g) Physical education, with emphasis upon such physical activities for the pupils as may be conducive to health and vigor of body and mind, for a total period of time of not less than 200 minutes each 10 schooldays, exclusive of recesses and the lunch period.

(h) Such other studies as may be prescribed by the governing board.

SEC. 6. Section 8571 of the Education Code is amended to read:

8571. The adopted course of study for grades 7 through 12 shall offer courses in the following areas of study:

(a) English, including knowledge of and appreciation for literature, language, and composition, and the skills of reading, listening, and speaking.

(b) Social sciences, drawing upon the disciplines of anthropology, economics, geography, history, political science, psychology, and sociology, designed to fit the maturity of the pupils. Instruction shall provide a foundation for understanding the history, resources, development, and government of California and the United States of America; the development

of the American economic system including the role of the entrepreneur and labor; man's relations to his human and natural environment; eastern and western cultures and civilizations; and contemporary issues.

(c) Foreign language or languages, beginning not later than grade 7, designed to develop a facility for understanding, speaking, reading, and writing the particular language.

(d) Physical education, with emphasis given to such physical activities as may be conducive to health and to vigor of body and mind.

(e) Science, including the physical and biological aspects, with emphasis on basic concepts, theories, and processes of scientific investigation and on man's place in ecological systems, and with appropriate applications of the interrelation and interdependence of the sciences.

(f) Mathematics, including instruction designed to develop mathematical understandings, operational skills, and insight into problem-solving procedures.

(g) Fine arts, including art, music, or drama, with emphasis upon development of aesthetic appreciation and the skills of creative expression.

(h) Applied arts, including instruction in the areas of home economics, industrial arts, business education, or agriculture, for general education or prevocational or occupational training.

(i) Automobile driver education, designed to develop a knowledge of the provisions of the Vehicle Code and other laws of this state relating to the operation of motor vehicles, a proper acceptance of personal responsibility in traffic, a true appreciation of the causes, seriousness and consequences of traffic accidents, and to develop the knowledge and attitudes necessary for the safe operation of motor vehicles.

(j) Such other studies as may be prescribed by the governing board.

SEC. 7. Section 9305.5 is added to the Education Code, to read:

9305.5. The board shall, when adopting textbooks and teachers' manuals for use in elementary schools for the teaching of courses in science, include only such textbooks which emphasize man's place in ecological systems and the necessity for the protection of our environment.

SEC. 8. There are hereby appropriated from the California Environmental Protection Program Fund (created by Senate Bill No. 262 of the 1970 Regular Session) during the 1970–1971 fiscal year the following amounts to be expended according to the following schedule:

(a) For the support of the Conservation Education Service, in carrying out the purposes of this act, including services and grants to school districts and other governmental agen-

cies, operation of the Central Library and Repository established pursuant to Section 568 of the Education Code, and for the expenses of the Advisory Committee on Conservation Education, to be reduced by whatever amounts are made available from federal funds $176,000

(b) For the salaries, travel, and incidental expenses of environmental interns ---------- 500,000

For the 1971–1972 fiscal year, and fiscal years thereafter, there is hereby appropriated from the California Environmental Protection Program Fund (created by Senate Bill No. 262 of the 1970 Regular Session) for deposit into the Environmental Education Fund an amount sufficient to support the activities required or permitted by this act.

SEC. 9. The Department of Education shall evaluate and report upon the effectiveness of programs initiated under this act. Such report shall be made to the Legislature and the Department of Finance not later than the fifth calendar day of the 1973 Regular Session.

CHAPTER 1617

An act to amend Sections 6809, 6812, and 6812.5 of, and to add Section 11557 to, the Education Code, relating to education of physically handicapped minors.

[Approved by Governor September 20, 1970. Filed with Secretary of State September 20, 1970.]

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, or upon the prior approval of the Superintendent of Public Instruction, may be admitted at the age of 18 months, to special schools or classes established for such minors.

When the school district of residence of a minor between the ages of three years 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 respect to payment of cost of tuition and the cost of buildings and equipment shall apply.

SEC. 1.5 Section 6809 of the Education Code is amended to read:

6809. Physically handicapped minors may be admitted at the age of three years, or upon the prior approval of the Superintendent of Public Instruction, may be admitted at the age of 18 months, 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, orthopedic or other health impaired, aphasic, or multihandicapped 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 respect to payment of cost of tuition and the cost of buildings and equipment shall apply.

SEC. 2. Section 6812 of the Education Code is amended to read:

6812. Subject to the provisions of Section 894 physically handicapped minors may be instructed in special schools or special classes, in hospitals, sanatoriums, or preventoriums, in the home through the employment of home instructors, by cooperative arrangement with the Department of Rehabilitation, or by any other means approved by the State Department of Education.

Minors with speech disorders or defects may be admitted at school for individual instruction, or small group instruction of four pupils or less, for the purpose of remedying such speech disorders or defects. With the prior approval of the Superintendent of Public Instruction, such minors may be admitted at the age of 18 months for such instruction.

Minors who are deaf or hard of hearing, as determined by the State Board of Education, and between the ages of three years and six years may be admitted at school for individual instruction or be instructed in the home through the employment of a home instructor, provided there are fewer than five such educable minors in the community making the establishment of a special day class impracticable, or the establishment of a special day class for such minors is impracticable because there are fewer than five such minors in the community within reasonable travel distance of a school suitable for the establishment of such a special day class, and provided, further, that such instruction is afforded by a teacher or home instructor possessing full qualifications for the credential to teach deaf pupils as prescribed by the regulations of the State Board of Education. With the prior approval of the Superintendent of Public Instruction such minors may be admitted at the age of 18 months for such instruction.

SEC. 2.5. Section 6812 of the Education Code is amended to read:

6812. Subject to the provisions of Section 894 physically handicapped minors may be instructed in special schools or special classes, in hospitals, sanatoriums, or preventoriums, in the home through the employment of home instructors, by cooperative arrangement with the Department of Rehabilitation, or by any other means approved by the State Department of Education.

Minors with speech disorders or defects may be admitted at school for individual or small group instruction of four pupils or less for the purpose of remedying such speech disorders or defects. With the prior approval of the Superintendent of Public Instruction, such minors may be admitted at the age of 18 months for such instruction.

Minors who are deaf or hard of hearing, as determined by the State Board of Education, and between the ages of three and six years may be admitted at school for individual instruction or be instructed in the home through the employment of a home instructor, provided there are fewer than five such educable minors in the community making the establishment of a special day class impracticable, or the establishment of a

special day class for such minors is impracticable because there are fewer than five such minors in the community within reasonable travel distance of a school suitable for the establishment of such a special day class, and provided, further, that such instruction is afforded by a teacher or home instructor possessing full qualifications for the credential to teach deaf pupils as prescribed by the regulations of the State Board of Education. With the prior approval of the Superintendent of Public Instruction such minors may be admitted at the age of 18 months for such instruction.

SEC. 3. Section 6812.5 of the Education Code is amended to read:

6812.5. Minors who are deaf, severely hard of hearing, blind, or deaf-blind as determined by the State Board of Education, and who are between the ages of 18 months and three 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, blind, deaf-blind, or other multihandicapped 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, severely hard-of-hearing, blind, deaf-blind, or other multihandicapped 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 894) of Chapter 4 of Division 3.

Notwithstanding any provision of this code to the contrary, computations of allowances and apportionments from the State School Fund for deaf, severely hard-of-hearing, blind, deaf-blind, or other multihandicapped 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 894) of Chapter 4 of Division 3.

Notwithstanding any provision of this code to the contrary, physically handicapped minors as prescribed in Section 8955.2 shall include deaf, severely hard-of-hearing, blind, deaf-blind, or other multihandicapped minors enrolled in experimental programs authorized by this section

SEC. 3.5. Section 6812.5 of the Education Code is amended to read:

6812.5 Minors who are deaf, severely hard of hearing, blind, deaf-blind, or other multihandicapped minors as determined by the State Board of Education, and who are between the ages of 18 months and three 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, blind, deaf-blind or other multihandicapped 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, severely hard-of-hearing, blind, deaf-blind, or other multihandicapped 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 894) of Chapter 4 of Division 3.

Notwithstanding any provision of this code to the contrary, computations of allowances and apportionments from the State School Fund for deaf, severely hard-of-hearing, blind, deaf-blind, or other multihandicapped 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 894) of Chapter 4 of Division 3.

Notwithstanding any provision of this code to the contrary, physically handicapped minors as prescribed in Section 8955.2 shall include deaf, severely hard-of-hearing, blind, deaf-blind, or other multihandicapped minors enrolled in experimental programs authorized by this section

SEC. 4. Section 11557 is added to the Education Code, to read:

11557. Computation of average daily attendance shall not include minors between the ages of 18 months and three years who are:

(a) Physically handicapped minors who receive instruction pursuant to Section 6809.

(b) Minors with speech disorders or defects who receive instruction pursuant to Section 6812.

(c) Minors who are deaf or hard of hearing who receive instruction pursuant to Section 6812.

SEC. 5. It is the intent of the Legislature, if amendments to Sections 6809 and 6812.5 of the Education Code proposed by both this bill and A.B. 1886 are enacted, that all of the

amendments to each section be given effect and incorporated in Sections 6809 and 6812.5 in the form set forth in Sections 1.5 and 3.5, respectively, of this act. Therefore, in the event A.B 1886 is enacted and amends Sections 6809 and 6812 5, Sections 1.5 and 3.5 of this act shall become operative at the same time that Sections 6809 and 6812.5 as amended by A.B. 1886 become operative, and at that time, Sections 6809 and 6812 5 of the Education Code as amended by Sections 1 and 3 of this act are repealed.

SEC 6. It is the intent of the Legislature, if amendments to Section 6812 of the Education Code proposed by both this bill and A.B. 1442 are enacted, that both amendments be given effect and incorporated in Section 6812 in the form set forth in Section 2.5 of this act. Therefore, in the event A.B. 1442 is enacted and amends Section 6812, Section 2.5 of this act shall become operative at the same time that Section 6812 as amended by A B. 1442 becomes operative, and at that time, Section 6812 of the Education Code as amended by Section 2 of this act is repealed.

CHAPTER 1618

An act to amend Sections 16605, 16611, 16616, 19699 22, 19699 23, 19699.24, 19699 25, 19699.27, 19699 29, 19699.30, 19699 31, and 19699 32 of the Education Code, and to add Section 15053.5 to, the Welfare and Institutions Code, relating to children's centers.

[Approved by Governor September 20, 1970 Filed with Secretary of State September 20, 1970]

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

SECTION 1. Section 16605 of the Education Code is amended to read:

16605. If either parent comes within subdivision (d) of Section 16603 and is attending school or receiving instruction for not less than half time, or if the parent or if either parent comes within subdivision (a), (e), (f), (g), (h), or (i) of Section 16603, and if the income from all sources of the child's immediate family exceeds that fixed by Section 16604, but is not greater than two times the amount fixed by Section 16604, a child of such parent may be admitted to a children's center but the governing board of the school district maintaining the children's center shall, notwithstanding anything in Section 16614 to the contrary, charge and collect from the person having custody of the child, except a parent coming within (a) of Section 16603, a weekly fee which shall be in such amount as will reimburse the district for the cost of supervision instruction, and the cost of all food furnished such child The governing board shall charge a parent coming within (a) of Section 16603 the fee required for the ap-

plicable maximum income as provided in Section 16604, plus, for each six dollars and sixty cents ($6.60) of an additional sixty-six dollars ($66) of income, one-sixth of the difference between that fee and the amount which will reimburse the district for the cost of supervision, instruction, and all food furnished the child.

As applied to the families of men on active duty with the United States armed forces, only that portion of the pay of enlisted personnel shall be included in the "total monthly income" which is the amount which is accounted for as "base pay."

SEC. 2. Section 16611 of the Education Code is amended to read:

16611. The Superintendent of Public Instruction shall establish reasonable and uniform standards not in conflict with the provisions of this chapter (commencing at Section 16601), which shall meet any federal requirements as are required for maximum federal financial participation for children's centers and development centers established and maintained under the provisions of this chapter (commencing at Section 16601) and no new center shall be so established and maintained which does not comply with such standards.

The Superintendent of Public Instruction may establish such regulations as he deems advisable and as are federally required for maximum federal financial participation concerning conditions of service and hours of enrollment for children in children's centers.

SEC. 3. Section 16616 of the Education Code is amended to read:

16616. The Superintendent of Public Instruction shall prepare a schedule of fees which shall be used by each school district for the charging of fees to parents. For parents who come within the provisions of Section 16604, the schedule shall be on a sliding scale, ranging from a lesser amount for parents within low income levels to a higher amount for higher income levels. The schedule shall provide as nearly as possible an amount equal to sixteen cents ($0.16) per hour per child. The fee schedule shall be on an hourly basis, and shall be uniformly applied.

For parents of mentally retarded or physically handicapped children, the schedule shall be as provided in Section 16645.9.

The State Department of Education and the State Department of Social Welfare shall enter into a contract to provide for services under this chapter to families receiving public assistance or who are former or potential recipients of public assistance as defined by regulations of the State Department of Social Welfare whereby the State Department of Social Welfare pays either the total cost of such services or so much of the cost as will permit the maximum federal financial participation in such cost to become available. For purposes of this section, "cost" shall be defined as in Section 16630.5, less any fees

collected by a school district from such families pursuant to Section 16604.

The State Department of Social Welfare shall have only such functions, duties and responsibilities with respect to the educational program carried on in children's centers as is required by law and federal regulations.

SEC. 4. Section 19699.22 of the Education Code is amended to read:

19699.22 The following terms, whether used or referred to in this article, have the following meanings, unless a different meaning clearly appears from the context:

(a) "Local agency" means a school district or a county superintendent of schools operating or authorized to operate a children's center pursuant to this chapter.

(b) "Board" means the State Allocation Board.

(c) "Project" means the purposes for which a local agency has applied for assistance. A project may include the acquisition and improvement of sites, the planning and construction of permanent facilities, and the acquisition of equipment for children's centers.

(d) "Construction of facilities" means construction of permanent facilities which may include leased portable buildings.

SEC 5. Section 19699.23 of the Education Code is amended to read:

19699.23. This article shall be administered by the State Allocation Board. The board shall adopt such rules and regulations as it deems necessary to carry out the purposes of this article. The rules and regulations of the board shall establish a system of priorities to determine the relative necessity to establish children's center facilities by a local agency. In establishing priorities with regard to the outlay of capital funds for the construction of new children's centers, or with regard to the rental or leasing of facilities for new centers, the board shall give special consideration to school districts as described under subdivision (a) of Section 6461 which are also certified by the State Department of Social Welfare as containing substantial numbers of families who are recipients of aid to families with dependent children or who are former or potential recipients of such aid and who might reasonably be expected to improve their ability to be self-supporting if child care services are made available.

SEC 6. Section 19699 24 of the Education Code is amended to read:

19699 24. No local agency shall receive an initial allocation from any appropriation made for the purposes of this article more than an amount to be known as the local agency entitlement. This amount shall be computed as follows:

(a) Determine the percentage that the amount apportioned to the local agency in the previous fiscal year for operation purposes pursuant to Section 16618 bears to the total amount allocated to all local agencies under the same section.

(b) Determine the percentage that the statewide modified assessed valuation per average daily attendance for the grade level involved in the previous fiscal year bears to the assessed valuation per unit of average daily attendance of the local agency. Local agencies other than school districts shall use a percentage of 1.00.

(c) Determine the local agency eligibility factor by multiplying the percentage derived in (a) by that derived in (b).

(d) Determine the local agency entitlement by multiplying the district eligibility factor derived in (c) by the amount appropriated for this purpose.

Amounts of the appropriation initially unallocated may be allocated subsequently without regard to the limitation of the local agency entitlement. Amounts of local agency entitlement not applied for within 90 days of the notification of entitlement, and amounts approved pursuant to Section 19699.28 but not allocated pursuant to Section 19699.29, and not made available on an extended basis after one year from the date of the original approval, may also be allocated without regard to the limitation of local agency entitlement.

(e) Notwithstanding any of the other provisions of this section, the local entitlement for a district establishing a children's center in an area described under subdivision (a) of Section 6461 shall not be less than, but may exceed, the statewide average of all local entitlements under this article.

SEC. 7. Section 19699.25 of the Education Code is amended to read:

19699.25. Any local agency operating or authorized to operate a children's center may apply for assistance under this article to undertake one or more projects. Any local agency not operating a children's center in the prior fiscal year shall have its eligibility and other factors determined by a method similar to that in Section 19699.24. Reasonable estimates may be used.

SEC. 8. Section 19699.27 of the Education Code is amended to read:

19699.27. Any funds available under this article for allocation to local agencies under this article may be allocated for the reconstruction or rehabilitation of existing children's center facilities, or such funds shall be allocated for the planning and construction of new permanent facilities, including acquisition and improvement of sites and acquisition of equipment for such facilities, or both

Of the total funds available under this article, not more than 25 percent shall be used for the reconstruction or rehabilitation of existing children's centers, and not less than 75 percent shall be used for the acquisition and improvement of sites, the planning and construction of new permanent facilities, and the acquisition of equipment for new children's centers.

SEC. 9. Section 19699.29 of the Education Code is amended to read.

19699.29. Funds allocated for a project shall be disbursed to the local agency upon certification to the Controller when the executive officer of the board has determined both of the following:

(a) All required approvals of the projects have been granted; and

(b) The local agency has subsequent to the effective date of this section, committed the expenditures through the granting of a contract or the authorization of an agreement which requires the payment of funds.

SEC. 10. Section 19699.30 of the Education Code is amended to read:

19699.30. In administering this article, the board shall approve the application. The executive officer of the board shall (a) prescribe and furnish application forms and (b) certify to the Controller the allocation of funds to which a local agency is eligible.

SEC. 11. Section 19699.31 of the Education Code is amended to read:

19699.31. All sites, plans, and specifications of the proposed facilities shall be approved by the Department of Education. Prior to such approval, the local agency shall certify to the Department of Education the unavailability of adequate, alternate facilities in the area to be served by the proposed facilities. Such facilities shall include but not be limited to vacant classrooms, auditoriums, multipurpose rooms, church or recreation facilities.

SEC. 12. Section 19699.32 of the Education Code is amended to read:

19699.32. For each one dollar ($1) of money allocated to a local agency which is expended for a project, the local agency shall expend local funds for such project in an amount which bears the same percentage to said one dollar ($1) as the modified assessed valuation per unit of the average daily attendance of the local agency bears to the statewide modified assessed valuation per average daily attendance of all local agencies. Local agencies other than school districts shall use a percentage of 1.00.

Local funds may include amounts received from federal sources for children eligible under subdivision (a), (b), (i), or (j) of Section 16603 or under Section 16616 or 16630.5.

SEC. 13. Section 15053.5 is added to the Welfare and Institutions Code, to read:

15053.5. The Director of Finance and the State Controller may approve a plan whereby funds may be transferred from the Social Welfare Federal Fund to the Department of Education for payment of, or as reimbursement for, services provided pursuant to subdivisions (a), (b), (i), and (j) of Section 16603 and Sections 16616 and 16630.5 of the Education Code.

CHAPTER 1619

An act to amend the heading of Chapter 2.5 (commencing with Section 16150) of Part 4 of Division 9 of, to amend Sections 16150, 16151, 16152, 16153, 16154, 16155, 16156, and 16157 of, and to add Section 15053.5 to, the Welfare and Institutions Code, to amend Sections 16601, 16601.5, 16603, 16603.1, 16605, 16611, 16614, 16616, 16616.1, 16617, 16618, 16620, 16621, 16630.5, 16631, 16641, 16641.5, 16642, 16643, 19699.22, 19699.23, 19699.24, 19699.25, 19699.27, 19699.29, 19699.30, 19699.31, and 19699.32 of, to repeal Section 16621.1 of, and to add Sections 16603.2, 16604.1, 16615.1, and 16626 6 to, the Education Code, and to add Sections 17225.5 and 24371.5 to the Revenue and Taxation Code, relating to educational programs.

[Approved by Governor September 20, 1970. Filed with Secretary of State September 20, 1970.]

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

SECTION 1. Section 15053.5 is added to the Welfare and Institutions Code, to read:

15053.5. The Director of Finance and the State Controller may approve a plan whereby funds, when appropriated for such purposes, may be transferred from the Social Welfare Federal Fund to the State Department of Education for payment of, or as reimbursement for, services provided pursuant to subdivisions (a), (b), (g), and (h) of Section 16603 and Sections 16616 and 16630.5 of the Education Code.

SEC. 2. The heading of Chapter 2.5 (commencing with Section 16150) of Part 4 of Division 9 of the Welfare and Institutions Code is amended to read:

CHAPTER 2.5. PRESCHOOL, CHILDREN'S CENTER, AND DAY CARE PROGRAMS

SEC. 3. Section 16150 of the Welfare and Institutions Code is amended to read:

16150. The Legislature finds and declares that preschool programs with a strong educational component are of great value to all children in preparing them for success in school, and constitute an essential component of public social services as defined in Section 16151. The Legislature further finds that such programs are often not available to many children who, because of the low income of their families, parents in training, or minimal employment, are deprived of adequate care and this valuable educational experience. Therefore, it is the intention of the Legislature in enacting this chapter to provide equal educational opportunity to children of low-income or disadvantaged families through appropriate arrangements for preschool and extended day care programs of an educational value to be

developed in accordance with a contractual agreement between the State Department of Social Welfare and the State Department of Education. The Legislature believes that the introduction of young children to an atmosphere of learning will improve their performance and increase their motivation and productivity when they enter school. In order to achieve this end, all programs established under this chapter shall be centered upon a defined educational program developed, conducted, and administered with the maximum feasible participation of the families served by the program.

SEC. 4. 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, children's center, and day care programs of an educational value, to be established by any eligible local public or private 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, children's center, and day care educational programs are most likely to fulfill the intent of this chapter.

Any application to operate and maintain a children's center, day care, and preschool educational program pursuant to this chapter may include a provision for the use of facilities owned and maintained by an eligible local private agency, when such facilities may be necessary for the provision of a children's center, day care, and preschool educational program in the area to be served. Children between the ages of 2 and 14 years, inclusive, are eligible for child care and children between the ages of 3 and 5 years, inclusive, or until 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 children's center, day care, and 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 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.

SEC. 5. Section 16152 of the Welfare and Institutions Code is amended to read:

16152. The contract entered into pursuant to Section 16151 shall provide for a fee to be paid by the parent or other person having charge or custody of any child, or to be reimbursed from state and federal funds, on account of the child. The Department of Education shall, pursuant to the contract, establish a system of fees which may be charged to parents who have the financial ability to pay all, or part of, the cost of the children's center, day care, or preschool educational program.

The State Department of Social Welfare shall, pursuant to the contract, pay to the Department of Education a per capita reimbursement for each child certified as eligible for this program and participating in a children's center, day care, or preschool program established under this chapter. The per capita reimbursement shall not exceed the costs incurred in providing the service, less any parental fees, divided by the total number of children participating in the program.

As used in this section, "costs" include administrative costs which may be incurred by the Department of Education, the Department of Social Welfare, and other local public agencies, necessary for the development and implementation of the public social service herein described and for the designation of those children eligible for participation.

Maximum standards for such costs, per child, shall be established by the Department of Social Welfare, in consultation and cooperation with the Department of Education and with the advice of the advisory committee established pursuant to Section 16155, and such maximum cost standards shall be applied beginning with the 1966–67 fiscal year and each year thereafter.

SEC. 6. Section 16153 of the Welfare and Institutions Code is amended to read:

16153. The State Department of Social Welfare shall receive and administer state and federal funds for day care and preschool programs Priority in the establishment of programs shall be given to eligible public and private agencies in communities with the greatest relative need for such programs.

Notwithstanding any other provision of this code, the State Department of Social Welfare shall not provide any per capita reimbursements pursuant to Section 16152 on account of any local educational program established pursuant to this chapter which does not meet the minimum educational standards established by the State Board of Education and set forth in the contract entered into with the Department of Education.

All programs established pursuant to this chapter shall meet the requirements pursuant to Section 107 (the Federal Interagency Day Care Requirements) of Public Law 90-222 (Economic Opportunity Amendments of 1967), approved December 23, 1967.

The State Department of Social Welfare shall have only such functions, duties and responsibilities with respect to children's center programs, day care programs, or preschool programs as is required by law and federal regulations.

The Office of Compensatory Education within the Department of Education shall have overall responsibility for the administration, at the state level, of all children's centers, day care, and preschool educational programs.

Nothing contained in this chapter shall be interpreted as restricting the establishment, fiscal support, or operating standards of children's centers which are located in areas other than those designated as target areas for the purpose of providing compensatory education programs, or for the purpose of meeting federal interagency day care guidelines.

SEC. 7. Section 16154 of the Welfare and Institutions Code is amended to read:

16154. The State Department of Social Welfare and the Department of Education shall cooperate fully with the State Department of Public Health to assure health services for all children enrolled in programs under this chapter.

SEC. 8. Section 16155 of the Welfare and Institutions Code is amended to read:

16155. The Governor shall appoint an advisory committee composed of one representative from the State Board of Public Health, one representative from the Department of Human Resources Development, one representative from the State Board of Education, one representative from the State Social Welfare Board, one representative of the Director of Education, one representative of the Director of Social Welfare, one representative of the Director of Public Health, and one representative of private education, one representative of child welfare, one representative of private health care, one representative of a community action agency qualified under Title II of the Economic Opportunity Act of 1969, and five parents appointed from names selected by a democratic process to assure representation of the parents of the children being served, and three persons representing professional or civic groups or public or nonprofit private agencies, organizations or groups concerned with children's center, day care, and preschool educational programs.

The advisory committee shall assist the Department of Education in developing a state plan for the coordinated expansion of children's center, day care, and preschool services in cooperation with the Department of Education, Department of Social Welfare, Department of Human Resources Development, and the Department of Public Health.

The state plan shall delineate specific target areas in the state identified by the Department of Social Welfare and the Department of Employment which have large concentrations of low-income families. The plan shall provide for the implementation of the 1967 Social Security Act amendments and shall assure the coordinated and efficient operation of all children's center, day care, and preschool programs to insure that a maximum number of children will receive required services within the total state, federal, and local funds available for such programs. It is the intent of the Legislature that basic

services presently provided by districts in children's centers be maintained at the current cost per child per hour.

The advisory committee shall continually evaluate the effectiveness of such programs and shall report thereon at each regular session of the Legislature.

SEC. 9. Section 16156 of the Welfare and Institutions Code is amended to read:

16156. The State Board of Education shall prescribe minimum educational standards which all local programs formed under this chapter shall meet, and it shall be the responsibility of the Department of Education to see that such standards are complied with in all programs established. Such minimum educational standards shall be set forth in the contract entered into pursuant to Section 16151.

(a) The minimum program of preschool education shall be two hours per day, five days per week, exclusive of time allowed for nap and meals. The ratio of qualified adult supervisors to children shall not be less than 1 to 15 in the preschool educational components.

The Department of Education may, under rules and regulations reviewed by the advisory committee, modify all supervision ratio requirements on a pilot project basis to determine if quality programs can be accomplished at reduced cost. All such projects shall, in their evaluation, be compared to programs operated under existing requirements. The intent of waiving such ratios shall be to increase the efficiency of such programs as it relates to student growth and cost per student.

(b) The board shall adopt application forms for the use of eligible public and private agencies that desire to establish children's center, day care, and preschool educational programs.

(c) The board shall provide for the issuance of permits to qualified persons which shall be a prerequisite to their employment in such programs. Such permits shall be issued in accordance with the provisions of Sections 16625 to 16629, inclusive, of the Education Code. The employees of school districts or county superintendents of schools in day care and preschool educational programs shall have the same rights and privileges as are granted to employees of the same agencies in children's centers.

(d) The board shall prescribe such fiscal controls and fund accounting procedures as may be necessary to assure proper accounting for funds received and disbursed in the operation of children's center, day care, and preschool educational programs by school districts, county superintendents, and eligible local private agencies.

SEC. 10. Section 16157 of the Welfare and Institutions Code is amended to read:

16157. The Superintendent of Public Instruction and the Director of Social Welfare and the Director of the Department of Public Health shall jointly report to the Legislature on the

results of the children's center, day care, and preschool education programs at the 1971 Regular Session and each regular session thereafter, and shall make recommendations for adjustments in the programs.

SEC. 10.2. Section 16601 of the Education Code is amended to read:

16601. It is the intent of the Legislature that the programs established in children's centers provide educational services for children to aid them in developing the abilities and skills which will make school achievement more possible. The policy of the Legislature in enacting this chapter is to continue children's centers to provide supervision and instruction for children necessitated by the employment of women with children, who must be employed to achieve economic self-sufficiency for the family and for children of parents in the public assistance programs and other families who might become dependent on such programs, without imposing additional taxes on property which the owners of such property cannot, because of the burden now imposed, be reasonably expected to bear.

It is also the intent of the Legislature that maximum federal reimbursement shall be obtained for services to children of families that meet the requirement of federal legislation notwithstanding regulations of the Department of Social Welfare that are applicable to other day care programs.

SEC. 10.4. Section 16601.5 of the Education Code is amended to read:

16601.5. The facilities used for any children's center established pursuant to this chapter shall first be used for children of families meeting the conditions of Section 16603.1 and may then be made available for children eligible for any children's center, day care, or preschool program authorized by the laws of this state.

SEC. 11. Section 16603 of the Education Code is amended to read:

16603. The need of a parent and child for service in a children's center shall be determined upon one of the following conditions:

(a) There is but one parent in the home and such parent supports or cares, or both, for the child, or the parent is physically or mentally unable either to support the family or care for the child, or there is but one parent in the home and this parent requires education or training to qualify for entrance upon employment that will make the family economically self-sufficient.

(b) There are two parents in the home, each of whom is either working or is physically or mentally unable to either support the family or care for the child.

(c) A child is in need of a preschool educational program before entrance to kindergarten because of disadvantage arising from home and community environmental conditions.

(d) Either parent is attending school or receiving instruction, and the other parent, if any, is gainfully employed.

(e) The services of the parent having care of the child are necessary as a qualified and acceptable teacher in a public school or as a qualified and acceptable supervisor to serve in the supervision and instruction of children in a children's center or a supervisor of a children's center program, or as a qualified and acceptable aide in such program, as shall be evidenced by a statement from the employing authority of the public school to the governing body of the children's center.

(f) The services of the parent having care of the child are necessary as a registered nurse, as evidenced by a statement from the responsible employer to the governing body of the children's center.

(g) The services of the parent having care of the child are necessary to meet an emergency arising from the necessity of harvesting or processing crops, or as an agricultural worker.

(h) The parent or parents having care of the child are attending school or receiving instruction under the state vocational rehabilitation program or under the Manpower Development and Training Act or under other programs authorized for a parent or parents in families qualifying for aid to families with dependent children other than a program described in (i), as evidenced by a statement from any one of such agencies, or that one parent in a two-parent family is attending school or receiving instruction under any one of such programs, and the other parent is employed or mentally or physically incapacitated, or the parent or parents could enter into a program such as is described in this section if children's center services were available to the family.

(i) The parent or parents having care of the child are participating under a work incentive program established pursuant to Section 432 of the Social Security Act, as evidenced by a statement from the Secretary of Labor or his representative, or that one parent in a two-parent family is so participating and the other parent is either employed or mentally or physically incapacitated to the extent that he is unable to care for the child, or the parent or parents could participate in such a program if children's center services were available to the family. A person continuously employed or engaged in on-the-job training for one year under a program described in Section 432(b)(1) of that act shall, for the purposes of this section, be deemed to be participating under a work incentive program during that year, unless federal law or regulations shall prescribe a different period.

SEC. 12. Section 16603.1 of the Education Code is amended to read:

16603.1. A person meeting a condition described in subdivision (a), (b), (h), or (i) of Section 16603 has priority over a person meeting a condition described in subdivisions (c) through (g), inclusive, of that section; provided that service to a child enrolled in a children's center as of the ef-

fective date of the amendments to this section shall not be terminated.

SEC. 12.2. Section 16603.2 is added to the Education Code, to read:

16603.2. The Department of Social Welfare shall furnish the Department of Education with all necessary laws, regulations, and instructions governing subdivisions (c), (h), and (i) of Section 16603.

The Department of Education shall then issue instructions to school districts.

SEC. 12.4. Section 16604.1 is added to the Education Code, to read:

16604.1. The "total monthly income from all sources" in Section 16604 shall be determined by excluding all legal withholdings, including state income taxes and court-ordered withholding amounts.

SEC. 13. Section 16605 of the Education Code is amended to read:

16605. If either parent comes within subdivision (d) of Section 16603 and is attending school or receiving instruction for not less than half time, or if the parent or if either parent comes within subdivision (a), (e), or (f) of Section 16603, and if the income from all sources of the child's immediate family exceeds that fixed by Section 16604, but is not greater than two times the amount fixed by Section 16604, a child of such parent may be admitted to a children's center but the governing board of the school district maintaining the children's center shall, notwithstanding anything in Section 16614 to the contrary, charge and collect from the person having custody of the child, except a parent coming within (a) of Section 16603, a weekly fee which shall be in such amount as will reimburse the district for the children's centers hourly program-related costs, exclusive of capital outlay, as defined by Section 16615.1. The governing board shall charge a parent coming within (a) of Section 16603 the fee required for the applicable maximum income as provided in Section 16604, plus, for each six dollars and sixty cents ($6.60) of an additional sixty-six dollars ($66) of income, one-sixth of the difference between that fee and the amount which will reimburse the district for the children's centers hourly program-related costs, exclusive of capital outlay, as defined by Section 16615.1.

As applied to the families of men on active duty with the United States armed forces, only that portion of the pay of enlisted personnel shall be included in the "total monthly income" which is the amount which is accounted for as "base pay."

SEC. 13.2. Section 16611 of the Education Code is amended to read:

16611. The Superintendent of Public Instruction shall establish reasonable and uniform standards not in conflict with the provisions of this chapter for children's centers established and maintained under the provisions of this chapter and no

center shall be so established and maintained which does not comply with such standards.

The Superintendent of Public Instruction may establish such regulations as he deems advisable concerning conditions of service and hours of enrollment for children in children's centers.

SEC. 13.4. Section 16614 of the Education Code is amended to read:

16614. Said governing board shall charge and collect, in advance, from the person having custody of any child admitted to a children's center a weekly fee equal to that specified in the fee schedule prescribed by the Superintendent of Public Instruction except those daily hours for which payment is made under other agreements or when the governing board determines that another method of collecting fees would prevent imposing a hardship on the person having custody of the child. Payments made on behalf of a parent may be made after services are rendered.

It is hereby declared to be the policy of the Legislature that the sliding scale of fees prepared by the Superintendent of Public Instruction shall provide that increasingly larger fees shall be charged for children of families having larger incomes. It is further declared to be the policy of the Legislature that so far as possible when it becomes necessary for the Superintendent of Public Instruction to adjust the fee schedule that any increase shall be made first in fees charged to those in the higher income brackets, and the rate of increase in fees charged for children of families of different income levels need not be uniform as between the different income levels. It is further declared to be the policy of the Legislature that the fee schedule shall, so far as reasonably possible, be established on such basis and in accordance with such principles as the Superintendent of Public Instruction may determine to insure proper administration of the children's center program and to establish uniform budgetary and accounting procedures.

At no time shall a family whose income falls below federal income requirements be charged an hourly fee. The fee schedule prescribed shall not increase in excess of 50 percent of any family's income increase.

SEC. 13.6. Section 16615.1 is added to the Education Code, to read:

16615.1. For the purposes of this chapter, "cost" shall mean all program costs that are related to the operation of children's centers. "Cost" shall include the state contribution and the school district's portion of teachers' retirement costs, a pro rata of the school district's overhead, and any other program-related cost exclusive of capital outlay.

SEC. 14. Section 16616 of the Education Code is amended to read:

16616. The Superintendent of Public Instruction shall prepare a schedule of fees which shall be used by each school district for the charging of fees to parents. For parents who

come within the provisions of Section 16604, the schedule shall be on a sliding scale, ranging from a lesser amount for parents within low income levels to a higher amount for higher income levels. The schedule shall provide as nearly as possible an amount equal to fourteen cents ($0.14) per hour per child. The fee schedule shall be on an hourly basis, and shall be uniformly applied.

For parents of mentally retarded or physically handicapped children, the schedule shall be as provided in Section 16645.9.

The State Department of Social Welfare shall enter into a contract with the Department of Education to provide for services under this chapter to families receiving public assistance or who are former or potential recipients of public assistance as defined by regulations of the State Department of Social Welfare whereby the State Department of Social Welfare pays either the total cost of such services or so much of the cost as will permit the maximum federal financial participation in such cost to become available. For purposes of this section, "cost" shall be defined as in Section 16615.1.

The State Department of Social Welfare shall have only such functions, duties, and responsibilities with respect to the educational program carried on in children's centers as is required by law and federal regulations.

SEC. 15. Section 16616.1 of the Education Code is amended to read:

16616.1. The Superintendent of Public Instruction is authorized to serve as the contracting agency with local public or private agencies and under the terms of the contract between the Department of Education and the Department of Social Welfare shall transmit funds paid by the Department of Social Welfare to such local agencies.

The Department of Education shall establish a procedure for reporting services and costs of services provided under such contracts in a manner to be prescribed by the Department of Social Welfare that will enable the Department of Social Welfare most expeditiously to file reimbursement claims with the federal government.

The Department of Education shall design an application form that includes all necessary information, as required, to obtain maximum federal reimbursements. The Department of Social Welfare shall furnish the Department of Education information to determine eligibility requirements for obtaining maximum federal reimbursements.

SEC. 15.2. Section 16617 of the Education Code is amended to read:

16617. The Superintendent of Public Instruction may revise the fee schedule as necessary in order to conform with the provisions of this code. A change in the fee schedule shall become effective 15 days after notice of such change has been given by the Superintendent of Public Instruction in writing to each district maintaining a children's center.

The Department of Social Welfare and the Department of Education shall institute procedures to obtain maximum federal reimbursements for all eligible participants covering the period from November 18, 1968, to the present date as required by Chapter 1353 of the Statutes of 1968. The hourly program cost, as defined in Section 16615.1, shall be computed for each school district when filing for retroactive federal reimbursements. Former and potential recipients shall be included as those eligible.

SEC. 15.4. Section 16618 of the Education Code is amended to read:

16618. The statewide average support from state funds per hour per child shall be forty-two cents ($0.42).

(a) For purposes of this article the Superintendent of Public Instruction shall apportion state funds to the districts using forty-two cents ($0.42) per hour per child. If the fees collected by any district shall for any month be less or more than fourteen cents ($0.14) per hour per child, the amount of the apportionment shall be increased or decreased in an amount equal to the amount by which the fees collected are less or more, respectively, than fourteen cents ($0.14) per hour per child.

(b) For development centers for handicapped minors, the Superintendent of Public Instruction shall apportion state funds as provided in Section 16645.11.

(c) The amount apportioned to each school district shall be the district's cost, as defined in Section 16615.1, or the state-supported rate, whichever provides the lesser amount.

SEC. 16. Section 16620 of the Education Code is amended to read:

16620. In computing amounts under Section 16618, the Superintendent of Public Instruction shall not include:

(a) Hours of attendance of children of, and fees collected from, parents required by this chapter to pay the full cost of supervision, instruction, and all food of a child in a children's center shall not be used in computing amounts under Section 16618.

(b) Hours of attendance of children of participants in an approved vocational development program or a work incentive program described in subdivision (h) or (i) of Section 16603 for whom the Department of Education advanced or reimbursed the district for, all costs of children's center services; and funds received from the Department of Education for services to those children.

SEC. 16.2. Section 16621 of the Education Code is amended to read:

16621. The said governing board shall establish in the county treasury a fund to be known as the "children's center fund" into which shall be paid all funds received by the district for, or from the operation of, children's centers, including, but not limited to, all funds derived under Sections 16634 and 16635. The costs incurred in the maintenance and

operation of children's centers shall be paid from said fund, except that any contributions, other than those described in Section 16621.1, authorized or required to be paid by the district on account of services of employees of a children's center to a retirement system shall be paid from the general fund of the district or from funds of the district derived from a special tax levied pursuant to Section 14657 or 14758 of the Education Code or Section 20532 of the Government Code.

No other funds of a district derived from the receipts of district taxes, except a district tax levied under Sections 16633 and 16635, or derived from moneys apportioned to the district for the support of the schools thereof, except state moneys expressly appropriated from the General Fund for the support of children's centers, may be expended for, or in connection with, a children's center.

Money credited to the children's center fund shall be maintained in accounts in the fund and shall be identified as to source.

Money credited to and expended from accounts in the fund that have been derived from the assessment of local taxes shall be restricted for the purpose for which the tax was raised.

Surplus balances in the county treasurer's accounts for school districts on June 30, 1971, and at the end of each succeeding fiscal year, that are derived from the apportionment of state funds shall be deducted from state apportionments for the next succeeding fiscal year.

SEC. 16.4. Section 16621.1 of the Education Code is repealed.

SEC. 17. Section 16626.6 is added to the Education Code, to read:

16626.6. Notwithstanding any other provisions of this chapter, a public or private agency or a school district or a county superintendent of schools operating a preschool educational program, a children's center, or a day care program may enter into an agreement with the State Department of Human Resources Development which will provide an opportunity to participants in work incentive programs under Division 2 (commencing with Section 5000) of the Unemployment Insurance Code for training in children's centers. Training pursuant to such agreement shall have the objective of preparation for a career in the field of child care.

No employee of a children's center shall be displaced, and no vacancy in an authorized position in regular employment with a children's center shall remain unfilled, because of services performed by trainees under this section.

SEC. 18. Section 16630 5 of the Education Code is amended to read:

16630.5. The Department of Education and the Department of Social Welfare shall enter into a contract wherein the Department of Education agrees insofar as feasible to provide children's center services or development center services,

or both, for families receiving public assistance or who are former or potential recipients of public assistance or for persons who are participating in, or, if, provided such services, could engage in a work incentive program pursuant to Section 432 of the Social Security Act, or approved vocational development program and wherein the Department of Social Welfare agrees to pay to the Department of Education, or to reimburse it for, all costs, including administrative costs, and preoperational costs, of services to participants; except that to the extent permitted by federal law, such parents who also come within the provisions of Section 16604 shall pay the fee applicable under that section. Former or potential recipients of public assistance shall mean those families eligible under federal requirements defined by the Department of Social Welfare. It is the intent of this section that the State of California exercise the option of accepting former and potential recipients of public assistance for the availability of maximum federal reimbursements. The Department of Social Welfare shall not delete the day care services regulations applicable to children's centers. The Department of Social Welfare may advance funds for this purpose. It is the intent of the Legislature that to the extent federal law permits, federal funds will be used by the Department of Social Welfare in making payments to the Department of Education, and to the extent federal money is so paid to the Department of Education, it shall expend such money, on a nonreimbursable basis, for providing additional children's center services, development center services, preschool programs, or any combination thereof.

The Department of Education, in performance of the agreement, shall enter into contracts with school districts or county superintendents or private and public agencies willing to furnish children's center services or development center services or day care services, to persons certified by the Department of Social Welfare wherein the school district or county superintendent of schools or private and public agencies agrees to furnish such services in consideration of payment by the Department of Education of all costs thereof, including administrative costs, less fees collected by the school district or county superintendent of schools or a private agency from the parents pursuant to Section 16604. The Department of Education may advance funds for the purpose. School districts and county superintendents are authorized to enter into such contracts.

"Costs" includes, among other things, the cost to the public or private agencies or the school district and county superintendent of the employers' contributions to a retirement system incurred because of services to certified participants. "Costs" does not include any amounts received by the district or county superintendent from persons who pay for children's center services in accordance with the schedule established by the Superintendent of Public Instruction.

SEC 18.3. Section 16631 of the Education Code is amended to read:

16631. Any money appropriated to be apportioned by the Department of Education, for the purposes of this chapter, to school districts maintaining children's centers pursuant to this chapter and to the governing authorities of state institutions maintaining children's centers, shall be apportioned to such school districts and governing authorities solely in accordance with the provisions of this chapter.

State apportionments to children's centers shall be paid to school districts on a monthly basis by the Superintendent of Public Instruction.

SEC. 18.5. Section 16641 of the Education Code is amended to read:

16641. The State Board of Education shall prescribe minimum educational standards for all children's center, day care, and preschool educational programs formed under Chapter 2.5 (commencing with Section 16150) of Part 4 of Division 9 of the Welfare and Institutions Code, and it shall be the responsibility of the Department of Education to see that such standards are complied with in all programs established.

SEC. 19. Section 16641.5 of the Education Code is amended to read:

16641.5. The State Board of Education shall adopt application forms for the use of eligible public and private agencies that desire to establish children's center, day care, and preschool educational programs pursuant to the provisions of Chapter 2.5 (commencing with Section 16150) of Part 4 of Division 9 of the Welfare and Institutions Code. Completed application forms shall be approved by the Department of Education before any program may receive state financial support.

SEC. 20. Section 16642 of the Education Code is amended to read:

16642. The Superintendent of Public Instruction and the Director of Social Welfare shall jointly report to the Legislature on the results of the children's center, day care, and preschool education programs formed under the provisions of Chapter 2.5 (commencing with Section 16150) of Part 4 of Division 9 of the Welfare and Institutions Code, at the 1971 Regular Session and each regular session thereafter, and shall make recommendations for adjustments in the programs.

SEC. 21. 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 children's center, day care, or preschool educational programs for children residing within the district or within the jurisdiction of a county superintendent of schools. If a children's center, day care, or 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 children's center, day care, or 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 children's center, day care, or 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. 23. Section 19699.22 of the Education Code is amended to read:

19699.22. The following terms, whether used or referred to in this article, have the following meanings, unless a different meaning clearly appears from the context:

(a) "Local agency" means a school district or a county superintendent of schools operating or authorized to operate a children's center pursuant to this chapter.

(b) "Board" means the State Allocation Board.

(c) "Project" means the purposes for which a local agency has applied for assistance. A project may include the acquisition and improvement of sites, the planning and construction of permanent facilities, and the acquisition of equipment for children's centers.

(d) "Construction of facilities" means construction of permanent facilities which may include leased portable buildings.

SEC. 24. Section 19699.23 of the Education Code is amended to read:

19699.23. This article shall be administered by the State Allocation Board. The board shall adopt such rules and regulations as it deems necessary to carry out the purposes of this article. The rules and regulations of the board shall establish a system of priorities to determine the relative necessity to establish children's center facilities by a local agency. In establishing priorities with regard to the outlay of capital funds for the construction of new children's centers, or with regard to the rental or leasing of facilities for new centers, the board shall give special consideration to school districts as described under subdivision (a) of Section 6461 which are also certified by the Department of Social Welfare as containing substantial numbers of families who are recipients of aid to families with dependent children or who are former or potential recipients of such aid and who might reasonably be expected to improve their ability to be self-supporting if child care services are made available.

SEC. 25. Section 19699.24 of the Education Code is amended to read:

19699.24. No local agency shall receive an initial allocation from any appropriation made for the purposes of this article more than an amount to be known as the local agency entitlement. This amount shall be computed as follows:

(a) Determine the percentage that the amount apportioned to the local agency in the previous fiscal year for operation

purposes pursuant to Section 16618 bears to the total amount allocated to all local agencies under the same section.

(b) Determine the percentage that the statewide modified assessed valuation per average daily attendance for the grade level involved in the previous fiscal year bears to the assessed valuation per unit of average daily attendance of the local agency. Local agencies other than school districts shall use a percentage of 1.00.

(c) Determine the local agency eligibility factor by multiplying the percentage derived in (a) by that derived in (b).

(d) Determine the local agency entitlement by multiplying the district eligibility factor derived in (c) by the amount appropriated for this purpose.

Amounts of the appropriation initially unallocated may be allocated subsequently without regard to the limitation of the local agency entitlement. Amounts of local agency entitlement not applied for within 90 days of the notification of entitlement, and amounts approved pursuant to Section 19699.28 but not allocated pursuant to Section 19699.29, and not made available on an extended basis after one year from the date of the original approval, may also be allocated without regard to the limitation of local agency entitlement.

SEC. 26. Section 19699.25 of the Education Code is amended to read:

19699.25. Any local agency operating or authorized to operate a children's center may apply for assistance under this article to undertake one or more projects. Any local agency not operating a children's center in the prior fiscal year shall have its eligibility and other factors determined by a method similar to that in Section 19699.24. Reasonable estimates may be used.

SEC. 27. Section 19699.27 of the Education Code is amended to read:

19699.27. Not more than 25 percent of any funds available under this article for allocation to local agencies under this article shall be allocated for the reconstruction or rehabilitation of existing children's center facilities. Not less than 75 percent of such funds shall be allocated for the planning and construction of new permanent facilities, including acquisition and improvement of sites and acquisition of equipment for such facilities.

SEC. 28. Section 19699.29 of the Education Code is amended to read:

19699.29. Funds allocated for a project shall be disbursed to the local agency upon certification to the Controller when the executive officer of the board has determined both of the following:

(a) All required approvals of the projects have been granted; and

(b) The local agency has subsequent to the effective date of this section, committed the expenditures through the grant-

ing of a contract or the authorization of an agreement which requires the payment of funds.

SEC. 29. Section 19699.30 of the Education Code is amended to read:

19699.30. In administering this article, the board shall approve the application. The executive officer of the board shall (a) prescribe and furnish application forms and (b) certify to the Controller the allocation of funds to which a local agency is eligible.

SEC. 30. Section 19699.31 of the Education Code is amended to read:

19699.31. All sites, plans, and specifications of the proposed facilities shall be approved by the Department of Education. Prior to such approval, the local agency shall certify to the Department of Education the unavailability of adequate, alternate facilities in the area to be served by the proposed facilities. Such facilities shall include but not be limited to vacant classrooms, auditoriums, multipurpose rooms, church or recreation facilities.

SEC. 31. Section 19699.32 of the Education Code is amended to read:

19699.32. For each one dollar ($1) of money allocated to a local agency which is expended for a project, the local agency shall expend local funds for such project in an amount which bears the same percentage to said one dollar ($1) as the modified assessed valuation per unit of the average daily attendance of the local agency bears to the statewide modified assessed valuation per average daily attendance of all local agencies. Local agencies other than school districts shall use a percentage of 1.00.

Local funds may include amounts received from federal sources for children eligible under subdivision (a), (g), or (h) of Section 16603, or under Section 16616 or 16630.5.

SEC. 32. Section 17225.5 is added to the Revenue and Taxation Code, to read:

17225.5. It is the intent of the Legislature that public children's centers, day care, and preschool programs be established in locations which make it convenient for eligible families who are employed, to be employed, or who are enrolled in employment training programs.

Owners of places of employment who establish facilities pursuant to Chapter 2.5 (commencing with Section 16150) of Part 4 of Division 9 of the Welfare and Institutions Code or Chapter 5 (commencing with Section 16601) of Division 12 of the Education Code and who allow for programs to be established pursuant to Chapter 2.5 (commencing with Section 16150) of Part 4 of Division 9 of the Welfare and Institutions Code or Chapter 5 (commencing with Section 16601) of Division 12 of the Education Code may elect, in accordance with regulations prescribed by the Franchise Tax Board, to compute the depreciation deduction provided by subdivision (a) of Section 17208 attributable to such facilities under the straight

line method using a useful life of 60 months and no salvage value. Such method shall be in lieu of any other method of computing the depreciation deduction under subdivision (a) of Section 17208 and shall be allowed only for such part of facilities which are certified by the State Department of Education as being used for public children's centers, day care, or preschool programs pursuant to Chapter 2.5 (commencing with Section 16150) of Part 4 of Division 9 of the Welfare and Institutions Code or Chapter 5 (commencing with Section 16601) of Division 12 of the Education Code.

SEC. 33. Section 24371.5 is added to the Revenue and Taxation Code, to read:

24371.5. It is the intent of the Legislature that public children's centers, day care, and preschool programs be established in locations which make it convenient for eligible families who are employed, to be employed or who are enrolled in employment training programs.

Owners of places of employment who establish facilities pursuant to Chapter 2.5 (commencing with Section 16150) of Part 4 of Division 9 of the Welfare and Institutions Code or Chapter 5 (commencing with Section 16601) of Division 12 of the Education Code and who allow for programs to be established pursuant to Chapter 2.5 (commencing with Section 16150) of Part 4 of Division 9 of the Welfare and Institutions Code or Chapter 5 (commencing with Section 16601) of Division 12 of the Education Code may elect, in accordance with regulations prescribed by the Franchise Tax Board, to compute the depreciation deduction provided by subdivision (a) of Section 24349 attributable to such facilities under the straight line method using a useful life of 60 months and no salvage value. Such method shall be in lieu of any other method of computing the depreciation deduction under subdivision (a) of Section 24349 and shall be allowed only for such part of facilities which are certified by the State Department of Education as being used for public children's centers, day care, or preschool programs pursuant to Chapter 2.5 (commencing with Section 16150) of Part 4 of Division 9 of the Welfare and Institutions Code or Chapter 5 (commencing with Section 16601) of Division 12 of the Education Code.

SEC. 34. This act shall be operative for the 1970–1971 fiscal year as though it had been enacted into law and had become operative on July 1, 1970. The Superintendent of Public Instruction, the Department of Education, the State Allocation Board, or any other person or agency charged with the administration of this act shall, for such purposes, have the authority to take all necessary steps to effect the midfiscal year transition involved, including authority to adjust allowance computations, apportionments, and disbursements only from the funds allocated, or partially allocated, by this act.

SEC. 35. The provisions of this act shall be limited in application to institutional day care programs, the state children's center program, and preschool programs.

CHAPTER 1620

An act to amend Sections 16615, 16616, and 16618 of the Education Code, relating to children's centers, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 20, 1970. Filed with Secretary of State September 20, 1970.]

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

SECTION 1. Section 16615 of the Education Code is amended to read:

16615. It is hereby declared to be the policy of the Legislature that the total amount of the cost for the maintenance and operation of children's centers shall be paid for by state funds apportioned to the districts and fees collected from parents. Funds derived from district taxes levied under this chapter may be expended in addition to parent fees and state funds, and shall not operate to affect the operation of either the fee schedule or the formula for apportioning state funds provided for in this chapter.

SEC. 2. Section 16616 of the Education Code is amended to read:

16616. The Superintendent of Public Instruction shall prepare a schedule of fees which shall be used by each school district for the charging of fees to parents. For parents who come within the provisions of Section 16604, the schedule shall be on a sliding scale, ranging from a lesser amount for parents within low income levels to a higher amount for higher income levels. The schedule shall provide as nearly as possible an amount equal to sixteen cents ($0.16) per hour per child. The fee schedule shall be on an hourly basis, and shall be uniformly applied.

The State Department of Education and the State Department of Social Welfare, or any county welfare department, are authorized to enter into a contract to provide for services under this chapter to families receiving public assistance or who are former or potential recipients of public assistance as defined by regulations of the State Department of Social Welfare whereby the State Department of Social Welfare or the county department pays either the total cost of such services or so much of the cost as will permit the maximum federal financial participation in such cost to become available.

The State Department of Social Welfare or a county welfare department shall have only such functions, duties, and responsibilities with respect to the educational program carried on in children's centers as is required by law and federal regulations.

SEC. 3. Section 16616 of the Education Code is amended to read:

16616. The Superintendent of Public Instruction shall prepare a schedule of fees which shall be used by each school

district for the charging of fees to parents. For parents who come within the provisions of Section 16604, the schedule shall be on a sliding scale, ranging from a lesser amount for parents within low income levels to a higher amount for higher income levels. The schedule shall provide as nearly as possible an amount equal to sixteen cents ($0.16) per hour per child The fee schedule shall be on an hourly basis, and shall be uniformly applied.

The State Department of Social Welfare shall enter into a contract with the Department of Education to provide for services under this chapter to families receiving public assistance or who are former or potential recipients of public assistance as defined by regulations of the State Department of Social Welfare whereby the State Department of Social Welfare pays either the total cost of such services or so much of the cost as will permit the maximum federal financial participation in such cost to become available. For purposes of this section, "cost" shall be defined as in Section 16615.1.

The State Department of Social Welfare shall have only such functions, duties, and responsibilities with respect to the educational program carried on in children's centers as is required by law and federal regulations.

SEC. 4. Section 16618 of the Education Code is amended to read:

16618. The statewide average state support per hour per child shall be fifty-two cents ($0.52).

(a) For purposes of this article, the Superintendent of Public Instruction shall apportion state funds to the districts using fifty-two cents ($0.52) per hour per child. If the fees collected by any district shall for any month be less or more than sixteen cents ($0.16) per hour per child, the amount of the apportionment shall be increased or decreased in an amount equal to the amount by which the fees collected are less or more, respectively, than sixteen cents ($0.16) per hour per child.

(b) For development centers for handicapped minors, the Superintendent of Public Instruction shall apportion state funds as provided in Section 16645.11.

(c) The amount apportioned to each school district shall be the district's cost, as defined in Section 16615.1, or the state-supported rate, whichever provides the lesser amount.

SEC. 5. Section 16618 of the Education Code is amended to read:

16618. The statewide average support from state funds per hour per child shall be fifty-two cents ($0.52).

(a) For purposes of this article, the Superintendent of Public Instruction shall apportion state funds to the districts using fifty-two cents ($0.52) per hour per child If the fees collected by any district shall for any month be less or more than sixteen cents ($0.16) per hour per child, the amount of the apportionment shall be increased or decreased in an amount equal to the amount by which the fees collected are less or more, respectively, than sixteen cents ($0.16) per hour per child.

(b) For development centers for handicapped minors, the Superintendent of Public Instruction shall apportion state funds as provided in Section 16645.11.

(c) The amount apportioned to each school district shall be the district's cost, as defined in Section 16615.1, or the state-supported rate, whichever provides the lesser amount.

SEC. 6 This act shall be operative for the 1970–1971 fiscal year as though it had been enacted into law and had become operative on July 1, 1970. The Superintendent of Public Instruction, the Department of Education, the State Allocation Board, or any other person or agency charged with the administration of this act shall, for such purposes, have the authority to take all necessary steps to effect the midfiscal year transition involved, including authority to adjust allowance computations, apportionments, and disbursements only from the funds allocated, or partially allocated, by this act.

SEC. 7. It is the intent of the Legislature, if amendments to Sections 16616 and 16618 of the Education Code, proposed by Sections 2 and 4 of this bill and by Assembly Bill No. 750, are enacted, that both amendments be given effect and incorporated in Sections 16616 and 16618 in the form set forth in Sections 3 and 5 of this act. Therefore, in the event Assembly Bill No. 750 is enacted by the Legislature at the 1970 Regular Session prior to this act and amends Sections 16616 and 16618 of the Education Code, Sections 3 and 5 of this act shall become operative on the effective date of this act, and at that time, Sections 16616 and 16618 of the Education Code, as amended by Sections 2 and 4 of this act, are repealed.

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:

In order to permit school districts with relatively smaller financial resources to maintain an equality of salaries with other district employees and to afford the increased costs of supplies, equipment, and food, it is necessary that this act go into immediate effect.

CHAPTER 1621

An act relating to Los Angeles State College of Applied Arts and Sciences, and making an appropriation therefor.

[Approved by Governor September 20, 1970. Filed with Secretary of State September 20, 1970.]

I hereby reduce the appropriation contained in Senate Bill No. 479 from $840,000 to $250,000

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 eight hundred forty thousand dollars ($840,-

000), subject to the provisions of the Property Acquisition Law, or so much thereof as shall be necessary, to the Trustees of the California State Colleges, in augmentation of their appropriations for other purposes, for purchase of 4.2 acres of property adjacent to California State College, Los Angeles.

CHAPTER 1622

An act making an appropriation to the Department of Education for bilingual scholastic aptitude tests.

[Approved by Governor September 20, 1970 Filed with Secretary of State September 20, 1970]

I hereby delete the $100,000 appropriation contained in Assembly Bill No 685
With this deletion, 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 in the State Treasury the sum of one hundred thousand dollars ($100,000), or so much thereof as may be necessary, subject to the receipt from the federal government of a like amount, to the Department of Education, in augmentation of Item 73 of the Budget Act of 1970, for completion, so far as practicable, of the development, norming, and implementation of bilingual scholastic aptitude tests utilized in determining eligibility for classes for mentally retarded minors under Sections 6902 and 6903 of the Education Code. The bilingual scholastic aptitude tests shall be in Spanish-English, Chinese-English, and such other languages as constitute an important impact on the public schools of the State of California.

SEC. 2. The Legislature hereby finds and declares that implementation of bilingual scholastic aptitude tests is of urgent priority and shall be so construed by the Department of Education.

CHAPTER 1623

An act to amend Sections 6499.53, 6499.54, and 6499.56 of the Education Code, relating to dropout prevention.

[Approved by Governor September 20, 1970 Filed with Secretary of State September 20, 1970]

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

SECTION 1. Section 6499.53 of the Education Code is amended to read:

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 ex-

pulsion before completing his elementary and secondary school education.

This definition also includes students at the elementary or secondary level who are under achieving and who can be identified as potential dropouts.

(b) "Program" means an Elementary and Secondary School Dropout Prevention Program established pursuant to this chapter.

SEC. 2. Section 6499.54 of the Education Code is amended to read:

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.

(g) Descriptive data indicating the district's dropout rate for the three years preceding the application for both elementary and secondary schools.

(h) Dropout prevention programs below grade 12 shall be designed longitudinally so as to extend into higher grades.

SEC. 3. Section 6499.56 of the Education Code is amended to read:

6499.56. The State Board of Education shall adopt rules and regulations necessary to implement the provisions of this chapter.

The State Board of Education may grant waivers for any provision of the Education Code as may be necessary for the development of an effective dropout prevention program.

CHAPTER 1624

An act to amend Section 6018 of the Revenue and Taxation Code, relating to sales and use taxes.

[Approved by Governor September 20, 1970. Filed with Secretary of State September 20, 1970.]

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

SECTION 1. Section 6018 of the Revenue and Taxation Code is amended to read:

6018. A licensed optometrist, physician and surgeon or registered dispensing optician is a consumer of, and shall not be considered a retailer within the provisions of this part in the case of a licensed optometrist or physician and surgeon with respect to the ophthalmic materials used or furnished by him, in the performance of his professional services in the diagnosis, treatment or correction of conditions of the human eye, including the adaptation of lenses or frames for the aid thereof, or in the case of a registered dispensing optician with respect to the dispensing of ophthalmic materials.

SEC. 2. Section 1 of this act shall become operative on July 1, 1971.

CHAPTER 1625

An act to add Chapter 6.7 (commencing with Section 6499.31) to Division 6 of the Education Code, relating to the School Improvement Act of 1970.

[Approved by Governor September 20, 1970. Filed with Secretary of State September 20, 1970.]

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

SECTION 1. Chapter 6.7 (commencing with Section 6499.31) is added to Division 6 of the Education Code, to read:

CHAPTER 6.7. SCHOOL IMPROVEMENT ACT OF 1970

6499.31. This chapter shall be known and may be cited as the School Improvement Act of 1970.

6499.32 It is the intent of the Legislature that not more than five program improvement schools be established through-

out the state to offer educational programs which are developed by the director and staff of such schools in cooperation with representatives of the local community, including the parents of children served by the school. It is the further intent of the Legislature that the programs established under the provisions of this chapter be designed to facilitate an evaluation of the effectiveness of promising instructional methods, techniques, and staffing patterns that are intended to improve the level of pupil achievement in the areas of reading and mathematics.

6499.33. (a) A "program improvement school" is an elementary school, a junior high school, or a high school designated as such by the district and approved by the State Board of Education.

(b) A "community resource committee" is a committee appointed by the director of each program improvement school at least one-half of the membership of which is made up of parents of children participating in the program. The committee shall assist the director and his staff to plan and implement the educational program, identify community resources which could be utilized in the program, and inform the community of the proposed program. The membership of the community resource committee may include, in addition to parents of children participating in the program, but need not be limited to:

(1) Parents of other pupils served by the school.

(2) Pupils enrolled in the school.

(3) Representatives of the community college, state college, or university participating in the project.

(4) Other individuals representing business and industry, organized labor, and representatives of local law enforcement, welfare, and employment agencies.

(c) If a parent advisory committee has been established for the school pursuant to Title I of the Elementary and Secondary Education Act of 1965, the director may, at his election, designate it to serve as the community resource committee in lieu of the committee otherwise to be appointed pursuant to subdivision (b).

6499.34. A school may be designated a program improvement school when all of the following conditions are met:

(a) The school meets the criteria of Section 6482.

(b) The director of the school is appointed by the school district with the concurrence of the Superintendent of Public Instruction and the Director of the Office of Compensatory Education.

(c) The school has at least the staff for auxiliary and administrative services that would be present in an adequately staffed school.

(d) The governing board of the school district has delegated to the director of the program improvement school all powers, duties, and responsibilities related to the budget, cur-

riculum, courses of study, pupil conduct, staffing, and class scheduling.

(e) The director of the proposed program improvement school has appointed a community resource committee.

(f) The proposed program of educational improvement has been developed by the director and staff of the school in cooperation with an institution of higher education and has the concurrence of the community resource committee.

6499.35. Districts are encouraged to waive their existing administrative salary schedule for the individual proposed for the job of director in order to obtain an individual of demonstrated managerial talents who is committed to educational achievement.

6499.36. Any school may apply to establish a program improvement school provided all of the following conditions are met:

(a) Evidence that the proposed program improvement school meets the requirements of Section 6499.34, including evidence that the school district governing board has delegated to the director of the school all powers, duties and responsibilities defined in subdivision (d) of Section 6499.34.

(b) Evidence that the school district governing board intends to provide an entitlement for the proposed program improvement school to be allocated by the director for the development, implementation, and maintenance of the proposed program. The entitlement shall be equivalent to the total amount of resources from state and local funds which would otherwise be provided the school under the district's current budgeting procedures. The total amount of state support shall exclude state funds currently expended in the school under the provision of the Miller-Unruh Basic Reading Act, the Mathematics Improvement Program, and the State Compensatory Education Program.

6499.37. The application shall include a detailed plan for developing and implementing the proposed program including:

(a) A description of the proposed educational program, including the proposed staffing, class scheduling and instructional techniques, and a schedule for the implementation of the program.

(b) A description of the quantifiable achievement objectives of the proposed program.

(c) A description of the in-service training program to be provided by the teaching staff in the program improvement school, including evidence that the in-service training program has been cooperatively developed with an institution of higher education. Program improvement schools located in school districts which have established professional development programs authorized by Article 3.6 (commencing with Section 13355) of Chapter 2 of Division 10 may utilize professional development centers for providing in-service training.

(d) Applications may also include the school's request for state and federal categorical aid funds which are deemed necessary to carry out the proposed program.

6499.38. The State Board of Education shall exempt from any and all provisions of the Education Code a program improvement school when, in the opinion of the director of the school, such provisions would hinder the implementation and maintenance of the proposed program. Such exemption shall not decrease the district apportionment from the State School Fund.

6499.39. For the purpose of state and federal categorical aid allocations, the program improvement schools shall be designated as school districts so that they may apply directly to the state for categorical aid funds to finance elements of the proposed program which could not be financed by the block grant authorized the school by the school district.

6499.40. The State Board of Education, on the advice of the Superintendent of Public Instruction and the Director of Compensatory Education, shall adopt rules and regulations necessary to implement the provisions of this chapter.

6499.41. The State Board of Education shall provide for the evaluation of the program improvement schools. The evaluation shall include an analysis of the improvement or lack of improvement in the achievement levels of pupils enrolled in the schools, the cost components of the instructional techniques and staffing arrangements utilized in effective programs, and the effectiveness of the community resource committees.

6499.42. Program improvement schools shall report to the State Board of Education the average scores of pupils in such schools on standardized achievement tests. In addition, the district in which the program improvement school is located shall report the average scores of pupils in other schools. The reports submitted by the program improvement schools and by the school district shall be compared to determine the amount of progress made by each pupil in the program improvement school and in nonprogram improvement schools for each year of instruction. The State Board of Education on the basis of such reports shall submit annually to the Legislature a comprehensive evaluation of the program, including a detailed analysis of the cost components of effective and ineffective programs.

6499.43. Not later than the 1973–1974 fiscal year, the State Board of Education shall distribute to the school districts in the state a description of, and the results achieved by, programs conducted pursuant to this chapter.

6499.44. This chapter shall be administered by the Office of Compensatory Education.

6499.45. Persons employed to teach in and administer the program improvement schools shall be deemed to be on leave of absence from the school district whose employment they leave to accept employment in the program improvement school, and shall retain permanent status, or credit for service

toward permanent status, in such school district during their employment with the program improvement 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 program improvement schools.

6499.46. (a) Persons employed in the program improvement 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 program improvement schools, and shall retain permanent status, or credit for service toward permanent status, in such school district during their employment with the program improvement 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 program improvement schools.

(b) All sick leave, seniority, and other benefits to which they are entitled will be transferred with them to the program improvement school and transferred back to their school district upon termination of their leave of absence.

(c) Should their employment in the program improvement school be terminated for any reason, they shall be returned to the school district from which they are on leave of absence from and if a vacancy does not exist in the class from which they are on leave they shall have the right to displace an employee in that class with the least seniority in the class and who has less seniority than they do. Seniority, for the purposes of this section, shall mean the combined school district and program improvement school service.

CHAPTER 1626

An act to add Sections 20601.7, 20750.37, 21251.143, 21293.7, 21364.9, and 22013.1 to the Government Code, relating to the Public Employees' Retirement System.

[Approved by Governor September 20, 1970. Filed with Secretary of State September 20, 1970.]

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

SECTION 1. Section 20601.7 is added to the Government Code, to read:

20601.7. Section 20601.5 shall not apply to a warden member with respect to compensation received on or after the effective date of this section.

SEC. 2. Section 20750.37 is added to the Government Code, to read:

20750.37. The contribution of a public employer to the retirement fund with respect to warden members provided by any and all other provisions of this chapter is increased by a

sum equal to 0.27 percent of the compensation paid such member by such employer.

SEC. 3. Section 21251.143 is added to the Government Code, to read:

21251.143. Section 21251.14 shall not apply to the computation of a retirement allowance based on any warden service of a warden member whose retirement is effective on or after the effective date of this section.

SEC. 4. Section 21293.7 is added to the Government Code, to read:

21293.7. Section 21293.5 shall not apply to a warden member whose retirement for industrial disability is effective on or after the effective date of this section.

SEC. 5. Section 21364.9 is added to the Government Code, to read:

21364.9. Section 21364.7 shall not apply to a special death benefit or continued allowance payable with respect to a warden member whose death occurs or whose retirement is effective on or after the effective date of this section.

SEC. 6. Section 22013.1 is added to the Government Code, to read:

22013.1. "Policeman" as used in this part also includes persons employed in the Department of Fish and Game in connection with its warden service, whose principal duties consist of active law enforcement service, including immediate supervision by persons employed to perform the duties now performed under the titles of chief and assistant chief of warden service, and captain of patrol boats; provided, such designation is not contrary to any definition, ruling or regulation relating to the term "policeman" issued by the federal agency for the purposes of Section 218(d)(5)(A) of the Social Security Act.

SEC. 7. This act shall not become operative until such time as a ruling or regulation authorizing the inclusion of warden members within the definition of "policeman" is issued by the federal agency for purposes of Section 218(d)(5)(A) of the Social Security Act.

CHAPTER 1627

An act to amend Section 27706 of, and to add Sections 26530 and 27646 to, the Government Code, to amend Section 4011.6 of the Penal Code, and to amend Sections 4017, 5110, 5152, 5170, 5251, 5253, 5254, 5276, 5302, 5301, 5328, 5328.1, 5350, 5352, 5365, 5366, 5401, 5602, 5604, 5650, 5652, 5656, 5704, 5709, 5715, 5763, 7329, and 8104 of, to add Sections 5111, 5113, 5114, 5325.5, 5328.2, 5328.3, 5328.4, 5328.5, 5328.6, and 5352.3 to, and to repeal Section 703 of, the Welfare and Institutions Code, relating to mental health.

[Approved by Governor September 20, 1970. Filed with Secretary of State September 20, 1970.]

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

SECTION 1. Section 26530 is added to the Government Code, to read:

26530. Unless otherwise designated by the board of supervisors pursuant to Section 5114 of the Welfare and Institutions Code, the district attorney shall represent the county in proceedings under Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code.

SEC. 2. Section 27646 is added to the Government Code, to read:

27646. Upon designation by the board of supervisors pursuant to Section 5114 of the Welfare and Institutions Code, the county counsel shall represent the county in proceedings under Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code.

SEC. 3. Section 27706 of the Government Code is amended to read:

27706. The public defender shall perform the following duties:

(a) Upon request of the defendant or upon order of the court, he shall defend, without expense to the defendant, any person who is not financially able to employ counsel and who is charged with the commission of any contempt or offense triable in the superior, municipal or justice courts at all stages of the proceedings, including the preliminary examination. The public defender shall, upon request, give counsel and advice to such person about any charge against him upon which the public defender is conducting the defense, and shall prosecute all appeals to a higher court or courts of any person who has been convicted, where, in his opinion, the appeal will or might reasonably be expected to result in the reversal or modification of the judgment of conviction.

(b) Upon request, he shall prosecute actions for the collection of wages and other demands of any person who is not financially able to employ counsel, where the sum involved does not exceed one hundred dollars ($100), and where, in the judgment of the public defender, the claim urged is valid and enforceable in the courts.

(c) Upon request, he shall defend any person who is not financially able to employ counsel in any civil litigation in which, in the judgment of the public defender, the person is being persecuted or unjustly harassed.

(d) Upon order of the court, he shall represent any person who is not financially able to employ counsel in proceedings under Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code.

(e) Upon order of the court, he shall represent any person who is entitled to be represented by counsel but is not financially able to employ counsel in proceedings under Chapter 2 (commencing with Section 500) of Part 1 of Division 2 of the Welfare and Institutions Code when such proceedings are con-

cerned with a person alleged to be or who has been found to be within the description of Section 601 or 602 of the Welfare and Institutions Code.

SEC. 3.5. Section 4011.6 of the Penal Code is amended to read:

4011.6. In any case in which it appears to the person in charge of a county or city jail that a person in custody in such jail may be mentally disordered, he may cause such inmate to be examined by a physician and if it is the opinion of such physician that the person is mentally disordered, the person in charge of the jail, or his designee, may take the prisoner, or cause him to be taken, to a facility for 72-hour treatment and evaluation pursuant to Section 5150 of the Welfare and Institutions Code. Thereupon the provisions of Article 1 (commencing with Section 5150), Article 4 (commencing with Section 5250), Article 4.5 (commencing with Section 5260), Article 5 (commencing with Section 5275), Article 6 (commencing with Section 5300), and Article 7 (commencing with Section 5325), of Chapter 2, Part 1, Division 5 of the Welfare and Institutions Code shall apply to the prisoner.

If the prisoner is detained in, or remanded to, a facility pursuant to such articles of the Welfare and Institutions Code, the time passed therein shall count as part of the prisoner's sentence. When the prisoner is so detained or remanded, the person in charge of the jail shall advise the professional person in charge of the facility of the expiration date of the prisoner's sentence. If the prisoner is to be released from the facility before such expiration date, the professional person in charge shall notify the person in charge of the jail, who shall send for, take, and receive the prisoner back into the jail.

SEC. 4. Section 703 of the Welfare and Institutions Code is repealed.

SEC. 4.5. Section 4017 of the Welfare and Institutions Code is amended to read:

4017. The department shall have the authority to provide a county or combination of counties acting jointly with services described in Part 2 of Division 5 (commencing with Section 5600) of this code, pursuant to Section 5401.

SEC. 5. Section 5110 of the Welfare and Institutions Code is amended to read:

5110. Whenever a proceeding is held in a superior court under Article 5 (commencing with Section 5275) or Article 6 (commencing with Section 5300) of this chapter or Chapter 3 (commencing with Section 5350) of this part involving a person who has been placed in a facility located outside the county of residence of the person, the provisions of this section shall apply. The county clerk of the county in which the proceeding is held shall make out a statement of all of the costs incurred by the county for the investigation, preparation, and conduct of the proceedings, and the costs of appeal, if any. The statement shall be certified by a judge of the superior court of such county. The statement shall then be sent to the county of resi-

dence of the person, which shall reimburse the county providing such services. If it is not possible to determine the actual county of residence of the person, the statement shall be sent to the county in which the person was originally detained, which shall reimburse the county providing the services.

SEC. 6. Section 5111 is added to the Welfare and Institutions Code, to read:

5111. Any county without a public defender is authorized to compensate the attorneys appointed for persons entitled to be represented by counsel in proceedings under this part.

SEC. 7. Section 5113 is added to the Welfare and Institutions Code, to read:

5113. Neither the facility providing treatment pursuant to Article 1 (commencing with Section 5150), Article 1.5 (commencing with Section 5170), Article 4 (commencing with Section 5250), Article 4.5 (commencing with Section 5260) or Article 6 (commencing with Section 5300), nor the superintendent of such facility, or the professional person in charge of such facility and his designee, or the peace officer responsible for the detainment of the person shall be civilly or criminally liable for any action by a person released at or before the end of the period for which he was admitted pursuant to the provisions of the appropriate article.

SEC. 8. Section 5114 is added to the Welfare and Institutions Code, to read:

5114. At any judicial proceeding under the provisions of this division, allegations that the person is a danger to others, or to himself, or gravely disabled as a result of mental disorder or impairment by chronic alcoholism, shall be presented by the district attorney for the county, unless the board of supervisors, by ordinance or resolution, delegates such duty to the county counsel.

SEC. 9. Section 5152 of the Welfare and Institutions Code is amended to read:

5152. 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, or his designee, the person no longer requires evaluation or treatment.

Persons who have been detained for evaluation and treatment shall be released, referred for further care and treatment on a voluntary basis, certified for intensive treatment, or a conservator or temporary conservator shall be appointed pursuant to this part as required.

SEC. 11. Section 5170 of the Welfare and Institutions Code is amended to read:

5170. When any person is a danger to others, or to himself, or gravely disabled as a result of inebriation, a peace officer, member of the attending staff, as defined by regula-

tion, 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 believes 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.

SEC. 12. Section 5251 of the Welfare and Institutions Code is amended to read:

5251. For a person to be certified under this article, a notice of certification must be signed by the professional person, or his designee, in charge of the agency or facility providing evaluation services and a physician, if possible a board-qualified psychiatrist, who participated in the evaluation. A designee of the professional person in charge of the agency or facility shall be a physician.

If the professional person in charge, or his designee, is the physician who performed the medical evaluation, the second person to sign may be another physician unless one is not available, in which case, a psychologist, a social worker, or a registered nurse who participated in the evaluation shall sign the notice of certification.

SEC. 12.1. Section 5253 of the Welfare and Institutions Code is amended to read:

5253. A copy of the certification notice, as set forth in Section 5252, shall be personally delivered to the person certified. A copy of such notice shall be filed with the superior court on the same day as the date of the certification or, if the court is not open for business on that day, as soon thereafter as the court is open for business. A copy shall also be sent to the person's attorney, to the district attorney, to the public defender, if any, to the facility providing intensive treatment, and to the State Department of Mental Hygiene.

The person certified shall also be asked to designate any person whom he wishes informed regarding his certification. If he is incapable of making such a designation at the time of certification, he shall be asked to designate such person as soon as he is capable.

SEC. 13. Section 5254 of the Welfare and Institutions Code is amended to read:

5254. Certification shall be for no more than 14 days, and shall terminate as soon as, in the opinion of the professional person in charge of the facility providing intensive treatment or his designee, the individual has improved sufficiently for him to leave, or is prepared to accept voluntary treatment

on referral or to remain in the facility providing intensive treatment on a voluntary basis.

Persons who have been certified for 14 days of intensive treatment and to whom Section 5226.1 is not applicable, or with respect to whom the criminal charge has been dismissed under Section 5226.1, shall be released at the end of the 14 days unless any of the following applies:

(a) Patients who agree to receive further treatment on a voluntary basis.

(b) Patients for whom a temporary conservator is appointed pursuant to Chapter 3 (commencing with Section 5350) of this part.

(c) Patients to whom Article 4.5 (commencing with Section 5260) of this chapter is applicable.

(d) Patients to whom Article 6 (commencing with Section 5300) of this chapter is applicable

SEC. 16. Section 5276 of the Welfare and Institutions Code is amended to read:

5276. Judicial review shall be in the superior court for the county in which the facility providing intensive treatment is located. The person requesting to be released shall be informed of his right to counsel by the member of the treatment staff and by the court; and, if he so elects, the court shall immediately appoint the public defender or other attorney to assist him in preparation of a petition for the writ of habeas corpus and, if he so elects, to represent him in the proceedings. The person shall pay the costs of such legal service if he is able.

The court shall either release the person or order an evidentiary hearing to be held within two judicial days after the petition is filed. If the court finds, (a) that the person requesting release is not, as a result of mental disorder or impairment by chronic alcoholism, a danger to others, or to himself, or gravely disabled, (b) that he had not been advised of, or had accepted, voluntary treatment, or (c) that the facility providing intensive treatment is not equipped and staffed to provide treatment, or is not designated by the county to provide intensive treatment he shall be released immediately.

SEC. 17. Section 5302 of the Welfare and Institutions Code is amended to read:

5302. At the time of filing of a petition for postcertification treatment the court shall advise the person named in the petition of his right to be represented by an attorney and of his right to demand a jury trial. The court shall assist him in finding an attorney, or, if need be, appoint an attorney if the person is unable to obtain counsel. The court shall appoint the public defender or other attorney to represent the person named in the petition if the person is financially unable to provide his own attorney. The attorney shall advise the person of his rights in relation to the proceeding and shall represent him before the court.

SEC. 18. Section 5304 of the Welfare and Institutions Code is amended to read:

5304. If the court or jury finds that the person named in the petition for postcertification treatment has (a) threatened, attempted, or actually inflicted physical harm upon the person of another after having been taken into custody for evaluation and treatment, and, as a result of mental disorder, presents an imminent threat of substantial physical harm to others, or (b) had attempted or inflicted physical harm upon the person of another, that act having resulted in his being taken into custody and who, as a result of mental disorder, presents an imminent threat of substantial physical harm to others, the court shall remand him to the custody of the Department of Mental Hygiene or to a facility designated by the county of residence for a further period of intensive treatment not to exceed 90 days from the date of court judgment. Said person shall be released from involuntary treatment at the expiration of 90 days unless the superintendent or professional person in charge of the hospital in which he is confined files a new petition for postcertification treatment on the grounds that he has threatened, attempted, or actually inflicted physical harm to another during his period of postcertification treatment, and he is a person who, by reason of mental disorder, presents an imminent threat of substantial physical harm to others. Such new petition for postcertification treatment shall be filed in the superior court wherein the original petition for postcertification treatment was filed.

The county from which the person is remanded shall bear any transportation costs incurred pursuant to this section.

SEC. 20. Section 5325.5 is added to the Welfare and Institutions Code, to read:

5325.5. For the purposes of subdivisions (f) and (g) of Section 5325, if the patient is a minor age 15 years or over, the right to refuse may be exercised either by the minor or his parent, guardian, conservator, or other person entitled to his custody.

SEC. 21. Section 5328 of the Welfare and Institutions Code is amended to read:

5328. All information and records obtained in the course of providing services under Division 5 (commencing with Section 5000), Division 6 (commencing with Section 6000), or Division 7 (commencing with Section 7000) to either voluntary or involuntary recipients of services shall be confidential. Information and records may be disclosed only:

(a) In communications between qualified professional persons in the provision of services or appropriate referrals, or in the course of conservatorship proceedings;

(b) When the physician in charge of the patient, with the approval of the patient, designates persons to whom information or records may be released, except that nothing in this article shall be construed to compel a physician, psychologist, social worker, nurse, attorney, or other professional person to

reveal information which has been given to him in confidence by members of a patient's family.

(c) To the extent necessary for a recipient to make a claim, or for a claim to be made on behalf of a recipient for aid, insurance, or medical assistance to which he may be entitled;

(d) If the recipient of services is a minor, ward or conservatee, and his parent, guardian or conservator designates, in writing, persons to whom records or information may be disclosed, except that nothing in this article shall be construed to compel a physician, psychologist, social worker, nurse, attorney, or other professional person to reveal information which has been given to him in confidence by members of a patient's family;

(e) For research, provided that the Director of Mental Hygiene designates by regulation, rules for the conduct of research. Such rules shall include, but need not be limited to, the requirement that all researchers must sign an oath of confidentiality as follows:

_____
Date

As a condition of doing research concerning persons who have received services from _____ (fill in the facility, agency or person), I, _____, agree not to divulge any information obtained in the course of such research to unauthorized persons, and not to publish or otherwise make public any information regarding persons who have received services such that the person who received services is identifiable.

I recognize that unauthorized release of confidential information may make me subject to a civil action under provisions of the Welfare and Institutions Code.

_____
Signed

(f) To the courts, as necessary to the administration of justice.

(g) To governmental law enforcement agencies as needed for the protection of federal and state elective constitutional officers and their families.

(h) To the Senate Rules Committee or the Assembly Rules Committee for the purposes of legislative investigation authorized by such committee.

(i) If the recipient of services who applies for life or disability insurance designates in writing the insurer to which records or information may be disclosed.

The amendment of subdivision (d) of this section enacted at the 1970 Regular Session of the Legislature does not constitute a change in, but is declaratory of, the preexisting law.

SEC. 21.1. Section 5328 of the Welfare and Institutions Code is amended to read:

5328. All information and records obtained in the course of providing services under Division 5 (commencing with Section 5000), Division 6 (commencing with Section 6000), or Division 7 (commencing with Section 7000), to either volun-

tary or involuntary recipients of services shall be confidential. Information and records may be disclosed only:

(a) In communications between qualified professional persons in the provision of services or appropriate referrals, or in the course of conservatorship proceedings The consent of the patient, or his guardian or conservator must be obtained before information or records may be disclosed by a professional person employed by a facility to a professional person not employed by the facility who does not have the medical responsibility for the patient's care.

(b) When the physician in charge of the patient, with the approval of the patient, designates persons to whom information or records may be released, except that nothing in this article shall be construed to compel a physician, psychologist, social worker, nurse, attorney, or other professional person to reveal information which has been given to him in confidence by members of a patient's family;

(c) To the extent necessary for a recipient to make a claim, or for a claim to be made on behalf of a recipient for aid, insurance, or medical assistance to which he may be entitled;

(d) If the recipient of services is a minor, ward, or conservatee, and his parent, guardian, or conservator designates, in writing, persons to whom records or information may be disclosed, except that nothing in this article shall be construed to compel a physician, psychologist, social worker, nurse, attorney, or other professional person to reveal information which has been given to him in confidence by members of a patient's family;

(e) For research, provided that the Director of Mental Hygiene designates by regulation, rules for the conduct of research. Such rules shall include, but need not be limited to, the requirement that all researchers must sign an oath of confidentiality as follows:

_____
Date

As a condition of doing research concerning persons who have received services from _____ (fill in the facility, agency or person), I, _____, agree not to divulge any information obtained in the course of such research to unauthorized persons, and not to publish or otherwise make public any information regarding persons who have received services such that the person who received services is identifiable.

I recognize that unauthorized release of confidential information may make me subject to a civil action under provisions of the Welfare and Institutions Code.

_____
Signed

(f) To the courts, as necessary to the administration of justice.

(g) To governmental law enforcement agencies as needed for the protection of federal and state elective constitutional officers and their families.

(h) To the Senate Rules Committee or the Assembly Rules Committee for the purposes of legislative investigation authorized by such committee.

(i) If the recipient of services who applies for life or disability insurance designates in writing the insurer to which records or information may be disclosed.

The amendment of subdivision (d) of this section enacted at the 1970 Regular Session of the Legislature does not constitute a change in, but is declaratory of, the preexisting law.

SEC. 22. Section 5328.1 of the Welfare and Institutions Code is amended to read:

5328.1. Nothing in this chapter shall be construed to prohibit a public or private treatment facility from releasing to a member of the family of a patient the information that the patient is presently a patient in the facility or that the patient is seriously physically ill or dead if the professional person in charge of the facility determines that the release of such information is in the best interest of the patient.

SEC. 22.5. Section 5328.2 is added to the Welfare and Institutions Code, to read:

5328.2. Notwithstanding Section 5328, movement and identification information and records regarding a patient who is committed to the department or to a state hospital for observation or for an indeterminate period as a mentally disordered sex offender, or regarding a patient who is committed to the department or to a state hospital under Section 1026 or 1370 of the Penal Code, shall be forwarded immediately without prior request to the Bureau of Criminal Identification and Investigation. Except as otherwise provided by law, information automatically reported under this section shall be restricted to name, address, fingerprints, date of admission, date of discharge, date of escape or return from escape, date of any home leave, parole or leave of absence. The Chief of the Bureau of Criminal Identification and Investigation may in turn furnish information reported under this section pursuant to Section 11105 of the Penal Code. It shall be a misdemeanor for recipients furnished such information to in turn furnish such information to any person or agency other than those specified in Section 11105 of the Penal Code.

SEC. 22.6. Section 5328.3 is added to the Welfare and Institutions Code, to read:

5328.3. When a voluntary patient would otherwise be subject to the provisions of Section 5150 of this part and disclosure is necessary for the protection of the patient or others due to the patient's disappearance from, without prior notice to, a designated facility and his whereabouts is unknown, notice of such disappearance may be made to relatives and governmental law enforcement agencies designated by the physician in charge of the patient or the professional person in charge of the facility or his designee

SEC. 22.7. Section 5328.4 is added to the Welfare and Institutions Code, to read:

5328.4. The physician in charge of the patient, or the professional person in charge of the facility or his designee, when he reasonably believes that a patient while hospitalized has committed, or has been the victim of, any crime defined by Chapters 1 (commencing with Section 187), 2 (commencing with Section 203), 3 (commencing with Section 207), 4 (commencing with Section 211), 5 (commencing with Section 216), 6 (commencing with Section 220), or 9 (commencing with Section 240) of Title 8, or by Chapter 1 (commencing with Section 261) of Title 9 of Part 1 of the Penal Code may release information about the patient to government law enforcement agencies. This section shall be limited solely to information directly relating to the factual circumstances of the commission of the enumerated offenses and shall not include any information relating to the mental state of the patient or the circumstances of his voluntary or involuntary admission, commitment or treatment. This section shall not be construed as an exception to or in any other way affecting the provisions of Article 7 (commencing with Section 1010) of Chapter 4 of Division 8 of the Evidence Code.

SEC. 23. Section 5328.5 is added to the Welfare and Institutions Code, to read:

5328.5. For the purposes of subdivision (d) of Section 5328, "minor" includes a mentally retarded person of any age.

SEC. 23.5. Section 5328.6 is added to the Welfare and Institutions Code, to read:

5328.6. When any disclosure of information or records are made as authorized by the provisions of subdivision (a) or (d) of Section 5328, Sections 5328.1, 5328.3, or 5328.4, the physician in charge of the patient or the professional person in charge of the facility shall promptly cause to be entered into the patient's medical record: the date and circumstances under which such disclosure was made; the names and relationships to the patient if any, of persons or agencies to whom such disclosure was made; and the specific information disclosed.

SEC. 24. Section 5350 of the Welfare and Institutions Code is amended to read:

5350. A conservator of the person, of the estate, or of the person and the estate may be appointed for any person who is gravely disabled as a result of mental disorder or impairment by chronic alcoholism.

The procedure for establishing, administering and terminating conservatorship under this chapter shall be the same as that provided in Division 5 (commencing with Section 1701) of the Probate Code, except as follows:

(a) A conservator may be appointed for a gravely disabled minor.

(b) Appointment of a conservator under this part shall be subject to the list of priorities in Section 1753 of the Probate Code unless the officer providing conservatorship investigation recommends otherwise to the superior court.

(c) When a gravely disabled person already has a guardian or conservator, the superior court may appoint him or another person as conservator under the provisions of this chapter.

(d) The person for whom conservatorship is sought shall have the right to demand a court or jury trial on the issue whether he is gravely disabled. This right shall also apply in subsequent proceedings to reestablish conservatorship.

(e) As otherwise provided in this chapter.

SEC. 24.1. Section 5352 of the Welfare and Institutions Code is amended to read:

5352. When the professional person in charge of an agency providing comprehensive evaluation or a facility providing intensive treatment determines that a person in his care is gravely disabled as a result of mental disorder or impairment by chronic alcoholism and is unwilling to accept, or incapable of accepting, treatment voluntarily, he may recommend conservatorship to the officer providing conservatorship investigation of the county of residence of the person prior to his admission as a patient in such facility.

If the officer providing conservatorship investigation concurs with the recommendation, he shall petition the superior court in the county of residence of the patient, pursuant to Probate Code Sections 1754 and 2051, to establish conservatorship.

Where temporary conservatorship is indicated, the fact shall be alternatively pleaded in the petition filed under Probate Code Section 1754. The officer providing conservatorship investigation or other county officer or employee designated by the county shall act as the temporary conservator.

The procedure for the establishment of conservatorship shall be pursuant to Probate Code Section 1751.

SEC. 24.5. Section 5352.3 is added to the Welfare and Institutions Code, to read:

5352.3. If the professional person in charge of facility providing intensive treatment recommends conservatorship pursuant to Section 5352, the proposed conservatee may be held in that facility for a period not to exceed three days beyond the 14-day period for intensive treatment if such additional time period is necessary for a filing of the petition for temporary conservatorship and the establishment of such temporary conservatorship by the court.

SEC. 25. Section 5365 of the Welfare and Institutions Code is amended to read:

5365. All petitions under this chapter shall be heard within 30 days and the public defender or other attorney shall be appointed by the court for the conservatee or proposed conservatee.

SEC. 26. Section 5366 of the Welfare and Institutions Code is amended to read:

5366. On or before June 30, 1970, the medical director of each state hospital for the mentally disordered shall compile a roster of those mentally disordered or chronic alcoholic patients

within the institution who are gravely disabled. The roster shall indicate the county from which each such patient was admitted to the hospital or, if the hospital records indicate that the county of residence of the patient is a different county, the county of residence. The officer providing conservatorship investigation for each county shall be given a copy of the names and pertinent records of the patients from that county and shall investigate the need for conservatorship for such patients as provided in this chapter. After his investigation and on or before July 1, 1971, the county officer providing conservatorship shall file a petition of conservatorship for such patients that he determines may need conservatorship. Court commitments under the provisions of law in effect prior to July 1, 1969, of such patients for whom a petition of conservatorship is not filed shall terminate and the patient shall be released unless he agrees to accept treatment on a voluntary basis.

Each state hospital and the Department of Mental Hygiene shall make their records concerning such patients available to the officer providing conservatorship investigation.

SEC. 26.1. Section 5401 of the Welfare and Institutions Code is amended to read:

5401. The Department of Mental Hygiene may provide a county or combination of counties acting jointly, the evaluation, referral, intensive treatment, prepetition screening, crisis intervention, and other services described in this part.

No person shall receive treatment in a state hospital pursuant to this section unless the county, or combination of counties has utilized, insofar as practicable, the existing facilities in the county which are subject to reimbursement under the Short-Doyle Act.

A county or combination of counties receiving services from the Department of Mental Hygiene pursuant to this section shall pay for such services in an amount not to exceed the actual cost of services. Funds received by the Department of Mental Hygiene under this section shall constitute a reimbursement to the appropriation from which such cost is expendable and may be used for the purposes of the appropriation.

Any services provided pursuant to this section shall be included in the county Short-Doyle plan for the county or counties.

SEC. 26.2. Section 5602 of the Welfare and Institutions Code is amended to read:

5602. By July 1, 1969, the board of supervisors of every county, or the boards of supervisors of counties acting under the joint powers provisions of Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code shall establish a community mental health service to cover the entire area of the county or counties. Services to mentally disordered persons in the county or counties by county agencies and county institutions and by the hospitals of the State Department of Mental Hygiene shall be

provided in accordance with the county Short-Doyle plan. Services of the State Department of Mental Hygiene shall be provided to the county, or counties acting jointly, pursuant to Section 5401, or, if both parties agree, the state facilities may, in whole or in part, be leased, rented or sold to the county or counties for county operation, subject to such terms and conditions as are approved by the Director of General Services.

SEC. 27. Section 5604 of the Welfare and Institutions Code is amended to read:

5604. Each community mental health service shall have an advisory board of 14 members appointed by the governing body. Three members of the advisory board shall be physicians and surgeons engaged in the private practice of medicine, one of whom, when available, shall be a specialist in psychiatry. One member shall be the chairman of the local governing body, and five members shall be persons representative of the public interest in mental health, mental retardation and alcoholism. The advisory board shall also contain a psychologist, a social worker, a nurse, a psychiatric technician, and a hospital administrator, preferably with psychiatric hospital experience. The term of each member of the board shall be for three years; provided, however, that of the members first appointed, five shall be appointed for one year, four for a term of two years, and four for a term of three years. If, however, prior to the expiration of such term a member ceases to retain the status which qualified him for appointment on the board, his membership on the board shall terminate and there shall be a vacancy on the board.

If two local agencies jointly establish a community health service under Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code, the advisory board for such community mental health service shall consist of an additional two members, one of whom shall be the chairman of the second governing body, such that the chairmen of both local agencies are members, and the second of whom shall be an additional person representative of the public interest in mental health, mental retardation, and alcoholism.

No member of the advisory board shall be a full-time or part-time county employee of the county mental health service, an employee of the State Departments of Mental Hygiene, Social Welfare, Rehabilitation, or Public Health, or an employee of a Short-Doyle contract facility.

The chairman of a governing body may designate a member of that body to serve in his stead as a member of the advisory board.

If it is not possible to secure membership as specified from among persons who reside in the county, the governing body may substitute representatives of the public interest in mental health, mental retardation, and alcoholism who are not full-time or part-time employees of the county mental health service, the State Department of Mental Hygiene, or on the staff of a Short-Doyle contract facility.

SEC. 27.5. Section 5650 of the Welfare and Institutions Code is amended to read:

5650. No later than the first day of the month following the month in which statutes enacted at the 1968 Regular Session of the Legislature are effective and on or before October 1 of each year thereafter, the board of supervisors of each county, or boards of supervisors of counties acting jointly, shall adopt, and submit to the Director of Mental Hygiene, an annual county Short-Doyle plan for the next fiscal year for mental health services in the county or counties. The purpose of a county plan shall be to provide the basis for reimbursement pursuant to the provisions of this division and to coordinate services as specified in this chapter in such a manner as to avoid duplication, fragmentation of services, and unnecessary expenditures. To achieve this purpose, a county Short-Doyle plan shall provide for the most appropriate and economical use of all existing public and private agencies, licensed private institutions, and personnel. A county Short-Doyle plan must include the fullest possible and most appropriate participation by existing city Short-Doyle programs, state hospitals and clinics, public and private general and psychiatric hospitals, city, county, and state health and welfare agencies, public guardians, mental health counselors, alcoholism programs, probation departments, physicians, psychologists, social workers, public health nurses, psychiatric technicians, and all such other public and private agencies and personnel as are required to, or may agree to, participate in the county Short-Doyle plan.

SEC. 27.6. Section 5650 of the Welfare and Institutions Code is amended to read:

5650. No later than the first day of the month following the month in which statutes enacted at the 1968 Regular Session of the Legislature are effective and on or before October 1 of each year thereafter, the board of supervisors of each county, or boards of supervisors of counties acting jointly, shall adopt, and submit to the Director of Mental Hygiene, an annual county Short-Doyle plan for the next fiscal year for mental health services in the county or counties. The purpose of a county plan shall be to provide the basis for reimbursement pursuant to the provisions of this division and to coordinate services as specified in this chapter in such a manner as to avoid duplication, fragmentation of services, and unnecessary expenditures. To achieve this purpose, a county Short-Doyle plan shall provide for the most appropriate and economical use of all existing public and private agencies, licensed and private institutions, and personnel. A county Short-Doyle plan must include the fullest possible and most appropriate participation by existing city Short-Doyle programs, state hospitals and clinics, public and private general and psychiatric hospitals, city, county, and state health and welfare agencies, public guardians, mental health counselors, alcoholism programs, drug abuse programs including services

offered in the public schools, probation departments, physicians, psychologists, social workers, public health nurses, psychiatric technicians, and all such other public and private agencies and personnel as are required to, or may agree to, participate in the county Short-Doyle plan.

SEC. 28. Section 5652 of the Welfare and Institutions Code is amended to read:

5652. The county Short-Doyle plan shall present an estimate of the number of involuntary patients to be provided the services legally required under Part 1 (commencing with Section 5000) of this division including evaluation, prepetition screening, referral, crisis intervention, intensive treatment, conservatorship, and postcertification treatment. The plan shall also show the estimated cost of aftercare services. The county Short-Doyle plan shall also indicate the agencies or individuals who will provide these services and the estimated average cost per patient for each service. The county Short-Doyle plan shall show all expected expenditures of county, state, and federal government funds for those services and all anticipated public and private revenues. The plan shall also show the estimated cost of diagnostic screening for voluntary state hospital patients.

SEC. 28.5. Section 5656 of the Welfare and Institutions Code is amended to read:

5656. The county Short-Doyle plan may propose the expansion of existing services to accommodate increased clientele over and above those served in fiscal year 1968–1969, or the establishment of any of the following services to the mentally disordered, mentally retarded, or persons afflicted with alcoholism:

(a) Inpatient services;

(b) Outpatient services;

(c) Partial hospitalization services, such as day care, night care, weekend care;

(d) Emergency services 24 hours per day available within one of the three services listed above;

(e) Consultation and education services available to community agencies and professional personnel and information services to the general public, including drug counseling services offered in public schools;

(f) Diagnostic services;

(g) Rehabilitative services, including vocational and educational programs;

(h) Precare and aftercare services in the community, including foster home placement, home visiting and halfway houses;

(i) Training;

(j) Research and evaluation.

SEC. 29. Section 5704 of the Welfare and Institutions Code is amended to read:

5704. When allocating funds for each county, the director shall give priority to funding the county Short-Doyle plans to provide the approved required services for involuntary patients specified in Section 5652, for aftercare services as specified in Section 5652, and for diagnostic screening of voluntary patients admitted to state hospitals in accordance with Section 5655.

If in any fiscal year the approved appropriation is insufficient to finance the programs and services specified by this subdivision, the Director of Mental Hygiene shall have the authority to determine the amount of state funds available to each county for such purposes in accordance with the priorities in both the state and county plans.

SEC. 30. Section 5709 of the Welfare and Institutions Code is amended to read:

5709. Nothing in Sections 5705 to 5708, inclusive, shall prevent a county, or counties acting jointly, from appropriating additional funds for mental health services. In no event shall counties be required to appropriate more than the minimum amount required to finance 10 percent of the legally required services specified in Section 5652, including diagnostic screening for voluntary state hospital patients and aftercare services, and for the provision of care for mentally disordered residents of the state hospital as of July 1, 1969, as specified in Section 5654.

SEC. 30.5. Section 5715 of the Welfare and Institutions Code is amended to read:

5715. Expenditures subject to payment shall include expenditures for the items specified in Sections 5401 and 5704; salaries of personnel; approved facilities and services provided through contract; operation, maintenance and service costs; depreciation of county facilities as established in the state's uniform accounting manual, disregarding depreciation on such a facility to the extent it was financed by state funds under this part; expenses incurred under this act by members of the Conference of Local Mental Health Directors for attendance at regular meetings of such conferences; and such other expenditures as may be approved by the Director of Mental Hygiene. It shall not include expenditures for initial capital improvements; the purchase or construction of buildings except for such equipment items and remodeling expense as may be provided for in regulation of the Department of Mental Hygiene; compensation to members of a local mental health advisory board (except actual and necessary expenses incurred in the performance of official duties); or expenditures for a purpose for which state reimbursement is claimed under any other provision of law.

SEC. 31. Section 5763 of the Welfare and Institutions Code is amended to read:

5763. There is a Citizens Advisory Council to advise and assist the Director of Mental Hygiene in carrying out the provisions of this division.

The council shall consist of fifteen (15) appointed voting members. Each of the following professions shall be represented by one member: general medicine, general psychiatry, child psychiatry, psychology, social work, sociology, law, and nursing. Two members shall be county supervisors; one member shall be an administrator of a private hospital providing psychiatric services; one member shall be a member of the California Conference of Local Mental Health Directors who is appointed under this part; and three members shall represent the general public.

The Governor shall appoint the following nine (9) members of the council: representatives of the professions of general medicine (1), psychiatry (1), child psychiatry (1), psychology (1), social work (1), and nursing (1); an administrator of a private hospital providing psychiatric services; a county supervisor; and a representative of the general public. The Chairman of the Senate Rules Committee shall appoint the following three (3) members of the council: a representative of the profession of law; a county supervisor; and a representative of the general public. The Speaker of the Assembly shall appoint the following three (3) members of the council: a representative of the profession of sociology; a member of the California Conference of Local Mental Health Directors; and a representative of the general public.

Of the members first appointed by the Governor, three shall hold office for three years, three shall hold office for two years, and three shall hold office for one year. Of the members first appointed by the Speaker of the Assembly, one shall hold office for three years, one shall hold office for two years, and one shall hold office for one year. Of the members first appointed by the Chairman of the Senate Rules Committee, one shall hold office for three years, one shall hold office for two years, and one shall hold office for one year. Thereafter, each member shall hold office for three years. If, however, prior to the expiration of such term a member ceases to retain the status which qualified him for appointment on the council, his membership on the council shall terminate and there shall be a vacancy on the council.

The members of the Citizens Advisory Council 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 chapter.

The Citizens Advisory Council shall meet at least quarterly, and on call of the council chairman as often as necessary to fulfill its duties. All meetings and records of the Citizens Advisory Council shall be open to the public.

The Citizens Advisory Council shall, by majority vote of the voting members, elect its own chairman from among the 15 appointed members, and shall establish such committees as it deems necessary or desirable. The council chairman shall appoint all members of committees of the Citizens Advisory Council.

SEC. 31.5. Section 7329 of the Welfare and Institutions Code is amended to read:

7329. When any patient, who is subject to judicial commitment, has escaped from any public mental hospital in a state of the United States other than California and is present in this state, any peace officer, health officer, county physician, or assistant county physician may take such person into custody within five years after the escape. Such person may be admitted and detained in the quarters provided in any county hospital or state hospital upon application of the peace officer, health officer, county physician, or assistant county physician. The application shall be in writing and shall state the identity of the person, the name and place of the institution from which he escaped and the approximate date of the escape, and the fact that the person has been apprehended pursuant to this section

As soon as possible after the person is apprehended, the district attorney of the county in which the person is present shall file a petition in the superior court alleging the facts of the escape, and requesting an immediate hearing on the question of whether the person has escaped from a public mental hospital in another state within five years prior to his apprehension. The hearing shall be held within three days after the day on which the person was taken into custody. If the court finds that the person has not escaped from such a hospital within five years prior to his apprehension, he shall be released immediately.

If the court finds that the person did escape from a public mental hospital in another state within five years prior to his apprehension, the superintendent or physician in charge of the quarters provided in such county hospital or state hospital may care for and treat the person, and the district attorney of the county in which such person is present immediately shall present to a judge of the superior court a petition asking that the person be judicially committed to a state hospital in this state. The hearing on the petition shall be held within seven days after the court's determination in the original hearing that the person did escape from a public mental hospital in another state within five years prior to his apprehension. Proceedings shall thereafter be conducted as on a petition for judicial commitment of the particular type of person subject to judicial commitment If the court finds that the person is subject to judicial commitment it shall order him judicially committed to a state hospital in this state; otherwise, it shall order him to be released. It shall be the duty of the superintendent of the state hospital to accept custody of such person, if he has been determined to be subject to judicial commitment. The Department of Mental Hygiene will promptly cause such person to be returned to the institution from which he escaped if the authorities in charge of such institution agree to accept him. If such authorities refuse to accept such person, the superintendent of the state hospital in which the person is confined

shall continue to care for and treat the person in the same manner as any other person judicially committed to the hospital as mentally disordered.

SEC. 32. Section 8104 of the Welfare and Institutions Code is amended to read:

8104. The Department of Mental Hygiene shall keep and maintain records necessary to identify any person who comes within any of the provisions of this chapter. Such records shall be made available to the State Bureau of Criminal Identification and Investigation upon request. The State Bureau of Criminal Identification and Investigation shall make such requests only with respect to its duties with regard to applications for permits for explosives as defined in Section 12000 of the Health and Safety Code, concealable weapons as defined in Section 12001 of the Penal Code, machineguns as defined in Section 12200 of the Penal Code and destructive devices as defined in Section 12301 of the Penal Code. Such records shall not be furnished or made available to any person unless the bureau determines that disclosure of any information in such records is necessary to carry out its duties with respect to applications for permits for explosives, destructive devices, concealable weapons, and machineguns.

SEC. 33. It is the intent of the Legislature, if amendments to Section 5328 of the Welfare and Institutions Code proposed by both this bill and Assembly Bill No. 1769 are enacted, that both amendments be given effect and incorporated in Section 5328 in the form set forth in Section 21.1 of this act. Therefore, in the event Assembly Bill No. 1769 is enacted and amends Section 5328, Section 21.1 of this act shall become operative at the same time that Section 5328 as amended by A.B. 1769 becomes operative, and at that time, Section 5328 of the Welfare and Institutions Code as amended by Section 21 of this act is repealed.

SEC. 34. It is the intent of the Legislature, if amendments to Section 5650 of the Welfare and Institutions Code proposed by both this bill and Assembly Bill No. 553 are enacted, that both amendments be given effect and incorporated in Section 5650 in the form set forth in Section 27.6 of this act. Therefore, in the event Assembly Bill No. 553 is enacted and amends Section 5650, Section 27.6 of this act shall become operative at the same time that Section 5650 as amended by A.B. 553 becomes operative, and at that time, Section 5650 of the Welfare and Institutions Code as amended by Section 27.5 of this act is repealed.

CHAPTER 1628

An act to add Section 18102 to, to amend Sections 17301, 17303.5, and 17926 of, and to repeal Sections 17303.6, 17303.7, 18102 as amended by Chapter 1113 of the Statutes of 1969, and 18102 as added by Chapter 784 of the Statutes of 1969 of, the Education Code, relating to financial support of the public schools, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 20, 1970 Filed with Secretary of State September 20, 1970.]

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

SECTION 1. Section 17301 of the Education Code is amended to read:

17301. (a) The State Controller shall during each fiscal year transfer from the General Fund of the state to the State School Fund such sums, in addition to the sums accruing to the State School Fund from other sources, as shall provide in the State School Fund for apportionment during the fiscal year a total amount per pupil in average daily attendance during the preceding fiscal year credited to all kindergarten, elementary, high school, junior college and adult schools in the state and to the county school tuition funds, as certified by the Superintendent of Public Instruction, one hundred eighty dollars ($180).

(b) The Controller shall also transfer, as needed during each fiscal year, such additional amounts from the General Fund to the State School Fund as are certified from time to time by the Superintendent of Public Instruction to be necessary to meet actual computed apportionments from the State School Fund for the purposes set forth in Section 17303.5; provided that the total of such additional amounts transferred in a fiscal year shall not exceed, except pursuant to subdivision (c) of this section, ninety-eight dollars and ninety-two cents ($98.92) for the fiscal year 1970–1971 and fiscal years thereafter, per pupil in average daily attendance during the preceding fiscal year credited to all kindergarten, elementary, high school, junior college and adult schools in the state and to the county school tuition funds, as certified by the Superintendent of Public Instruction, less the amount, if any, by which seventy cents ($0.70) multiplied by the number of units of average daily attendance credited during the preceding fiscal year to all kindergarten, elementary, high school, junior college and adult schools in the state and to the county school tuition funds exceeds twenty-one dollars and fifty cents ($21.50) multiplied by the total average daily attendance credited during the preceding school year to elementary school districts which during the preceding school year had less than 901 units of average daily attendance, to high school districts which during the preceding school year had less than 301

units of average daily attendance, and to unified districts which during the preceding school year had less than 1,501 units of average daily attendance.

For purposes of this subdivision, amounts transferrable to the State School Fund for the purposes of subdivision (h) and subdivision (i) of Section 17303.5, commencing with the amounts transferrable for the 1969–1970 fiscal year, shall be considered separately, and amounts otherwise transferrable but not required for the respective purposes of those subdivisions in any fiscal year shall be retained in the General Fund to be devoted to the respective purposes in the next succeeding fiscal year.

(c) In addition to the amounts authorized to be transferred to the State School Fund from the General Fund under subdivisions (a) and (b) of this section, the Controller shall transfer from the General Fund to the State School Fund during the fiscal year, upon certification of the Superintendent of Public Instruction, if necessary to meet actual computed apportionments for the fiscal year for the purposes set forth in Sections 17303 and 17303.5, an amount not to exceed the lesser of: (1) 1 percent of the total apportionment from the State School Fund in the preceding fiscal year for the purposes set forth in Section 17303 or 17303.5, or (2) the net amount, if any, by which the total amounts authorized to be transferred from the General Fund to the State School Fund under subdivisions (a) and (b) of this section in prior fiscal years have exceeded the total amounts actually apportioned in prior fiscal years for the purposes set forth in Sections 17303 and 17303.5.

(d) He shall also transfer to the State School Fund any additional amounts appropriated thereto by the Legislature in augmentation of any of the amounts prescribed for any of the purposes set forth in Sections 17303 and 17303.5 and such additional amounts shall be allowed and apportioned by the Superintendent of Public Instruction and warrants therefor drawn by the Controller in the manner provided in Articles 1 and 2 (Sections 17301 to 17354, inclusive) of this chapter and in Sections 11256 and 17251, and Sections 17401 to 17417, inclusive, and Sections 17601 to 18460, inclusive.

SEC. 2. Section 17303.5 of the Education Code is amended to read:

17303.5. The amount transferred pursuant to subdivision (b) of Section 17301 shall be expended in accordance with the following schedule:

(a) Twenty-one dollars and fifty cents ($21.50) multiplied by the total average daily attendance credited during the preceding school year to elementary school districts which during the preceding school year had less than 901 units of average daily attendance, to high school districts which during the preceding school year had less than 301 units of average daily attendance, and to unified districts which during the preceding school year had less than 1,501 units of average daily attendance, but not to exceed an amount equal to seventy cents

($0.70) multiplied by the average daily attendance credited during the preceding fiscal year to all kindergarten, elementary, high school, junior college and adult schools in the state and to county school tuition funds, for allowance to county school service funds pursuant to subdivision (a) of Section 18352.

(b) Four dollars and forty cents ($4.40) multiplied by the total average daily attendance credited to all kindergarten, elementary, high school, junior college and adult schools in the state and to county school tuition funds during the preceding school year for the purposes of Article 10 (commencing with Section 18051) of Chapter 3 of this division.

(c) Nineteen dollars and fifty-two cents ($19.52) multiplied by the total average daily attendance credited to all kindergarten, elementary, high school, junior college and adult schools in the state and to county school tuition funds during the preceding school year, for the purposes of Sections 18060 and 18062, and Article 11 (commencing with Section 18101) of Chapter 3 of this division.

(d) Three dollars and six cents ($3.06) multiplied by the total average daily attendance credited to all kindergarten, elementary, high school, junior college and adult schools in the state and to county school tuition funds during the preceding school year for allowances to county school service funds pursuant to subdivision (b) of Section 18352.

(e) One dollar and sixty-seven cents ($1.67) multiplied by the average daily attendance during the preceding fiscal year credited to all kindergarten, elementary, high school, junior college and adult schools in the state and to county school tuition funds for allowances to school districts for the purposes of Section 6426.

(f) Sixty dollars and ninety-two cents ($60.92) multiplied by the average daily attendance during the preceding fiscal year credited to all kindergarten, elementary, high school, junior college and adult schools in the state and to county school tuition funds during the preceding school year for basic aid, equalization aid, supplemental support, allowances for adults, and allowances to the county school tuition funds to be apportioned on account of average daily attendance.

(g) Eight dollars and sixty-five cents ($8.65) multiplied by the average daily attendance during the preceding school year credited to all kindergarten, elementary, high school, junior college and adult schools in the state and to county school tuition funds for purposes of Chapter 7.1 (commencing with Section 6750) of Division 6.

SEC. 3. Section 17303.6 of the Education Code is repealed.

SEC. 4. Section 17303.7 of the Education Code is repealed.

SEC. 5. Section 17926 of the Education Code is amended to read:

17926. The Superintendent of Public Instruction shall apportion to each elementary school district and to each high school district the difference between the amount computed

under Section 17924 or Section 17925, as the case may be, and the revenue which would be produced (1) for elementary school districts, determined by multiplying the tax rate under Section 17921, modified pursuant to Section 17924, and (2) for high school districts, determined by multiplying the tax rate under Section 17922, modified pursuant to Section 17925, by the assessed valuation of such district. This amount shall be known as supplemental support to school districts.

SEC. 6. Section 18102 of the Education Code, as amended by Chapter 1113 of the Statutes of 1969 is repealed.

SEC. 7. Section 18102 of the Education Code, as added by Chapter 784 of the Statutes of 1969 is repealed.

SEC. 8. Section 18102 is added to the Education Code, to read:

18102. The Superintendent of Public Instruction shall allow to each school district or county superintendent of schools for the education of physically handicapped minors during the current fiscal year an amount computed as follows:

(a) Dividing the average daily attendance of physically handicapped minors by the maximum class size established by law for special day classes for physically handicapped minors, and increasing the quotient to the next highest integer where a fractional amount is produced.

(b) Multiplying the amount computed under subdivision (a) by a total support guarantee of seventeen thousand two hundred sixty dollars ($17,260).

(c) Subtracting from the amount computed under subdivision (b) the applicable of the following amounts:

(1) The product of the average daily attendance of physically handicapped minors in kindergartens and grades 1 to 8, inclusive, and the foundation program per pupil established for elementary school districts with an average daily attendance of 901 or more by Section 17660.

(2) The product of the average daily attendance of physically handicapped minors in grades 9 to 12, inclusive, and the foundation program per pupil established for high school districts with an average daily attendance of 301 or more by Section 17665.

(3) The product of the average daily attendance of physically handicapped minors in grades 13 and 14, and the foundation program per pupil established for junior college districts with an average daily attendance in excess of 1,000 by Section 17666.2.

SEC. 9. Notwithstanding the provisions of Section 17303.7 of the Education Code, as it read on August 15, 1969, amounts authorized by that section for allocation by the Superintendent of Public Instruction for purposes of the Educational Improvement Act of 1969 during the 1969–1970 fiscal year, but which have not been so allocated, may be retained in the General Fund for transfer to the State School Fund in the succeeding fiscal year.

SEC. 10. Sections 1, 2, 3 and 4 of this act shall be operative on July, 1970.

SEC. 11. All actions taken by the Superintendent of Public Instruction pursuant to Section 18102 of the Education Code, as added by Chapter 784 of the Statutes of 1969, with respect to the computation of allowances for physically handicapped minors, and pursuant to Section 17926 of the Education Code, with respect to the computation of allowances for supplemental support during the 1969–1970 fiscal year are hereby ratified, validated, confirmed, and declared legally effective for all purposes.

SEC. 12. The provisions of Sections 17301 and 17303.5 of the Education Code, as amended by Sections 1 and 2 of this act, shall supersede and control over the provisions of Item 261 of the Budget Act of 1970 (Chapter 303, Statutes of 1970).

SEC. 13. This act shall be deemed operative for the entire 1970–1971 fiscal year as though the same had been enacted into law and become operative on July 1, 1970 The Superintendent of Public Instruction shall, for such purposes, have authority to take all necessary steps to effect the mid-fiscal-year transition involved, including the authority to adjust allowance computations, apportionments, and disbursements ordered from the State School Fund.

SEC 14. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

This act authorizes the retention and expenditure in subsequent years of funds provided for purposes of the Educational Improvement Act of 1969 and the Miller-Unruh Basic Reading Act but which were not expended in the year in which provided.

In order that the urgently needed program of financial support for the public schools provided for by this act may be put into effect as early as possible in the 1970–1971 school year, it is essential that this act take effect immediately.

CONCURRENT AND JOINT RESOLUTIONS
AND CONSTITUTIONAL AMENDMENTS

REGULAR SESSION

1970

CONCURRENT AND JOINT RESOLUTIONS AND CONSTITUTIONAL AMENDMENTS

Adopted at the 1970 Regular Session of the Legislature

RESOLUTION CHAPTER 1

Senate Concurrent Resolution No. 1.—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 the general election held therein on the fourth day of November, 1969.

[Filed with Secretary of State January 9, 1970.]

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 twenty-sixth 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 twelve (12) amendments to said charter, and a new 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 twelve (12) proposed amendments to said charter and the proposed new 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 and new charter 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 and new charter, 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 and new charter 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 fourth day of November, 1969, the said twelve (12) several proposals to amend the charter of the City and County of San Francisco; and the proposed new charter of said City and County; and

WHEREAS, Said general election was held in said City and County of San Francisco on the fourth day of November, 1969, which day was more than 40 days and less than 60 days from the completion of the publication of said proposed charter amendments and new charter 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 twentieth day of November, 1969, 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 fourth day of November, 1969, four (4) 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 F, I, M, N, and eight (8) other charter amendments and the proposed new charter submitted at said general election, to wit, charter amendments designated as Propositions D, G, H, J, K, L, O and Q and the proposed new charter designated Proposition E received less than a majority of the votes of the electors voting thereon and were not ratified; 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:

Charter Amendment
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 adding Section 35.5¼ thereto relating to the police force of 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 November 4, 1969, a proposal to amend the charter of said city and county by adding Section 35.5¼ thereto, so that the same shall read as follows:

Section 35.5¼. Notwithstanding Section 35.5, the provision thereof that the police force of the city and county shall not exceed one police officer for each five hundred inhabitants thereof shall not be effective for any purpose.

Charter Amendment
Proposition I

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 48.3 and 48.4 thereof, relating to revenue bonds of the Port Commission of San Francisco and to revenues of the Port.

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 4, 1969, a proposal to amend the Charter of said city and county by amending Sections 48.3 and 48.4 thereof, so that the same shall read as follows:

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 pro-

motion 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 and codified as

Sections 3300 to 3369 of the Harbors and Navigation Code of the State of California, except that the provisions of said Act codified as Section 3338 of the said Harbors and Navigation Code shall not be applicable to these bonds and the bonds shall instead be governed by the following provision:

The San Francisco Port Commission may fix terms and conditions for the sale or other disposition of any authorized issue of bonds, and may provide that the bonds may be sold on the basis of the lowest net interest cost to the San Francisco Port Commission, the coupon rates to be fixed by the successful bidder on the sale of the bonds. The San Francisco Port Commission may authorize the City Treasurer to sell bonds at less than their par or face value, but no bond may be sold at a price below 95% of the principal amount of the bond and accrued interest thereon. The said San Francisco Port Commission may set the annual rate or rates of interest which the bonds to be issued shall bear, which rate or rates, at the discretion of the said Commission, may be determined by the bidder at the time of sale of said bonds. Such interest may be payable at such periods as may be fixed by the Commission.

All of the other 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" is used it shall be deemed to mean all the property under the jurisdiction of the San Francisco Port Commission, and where the term "San Francisco Harbor Bond Finance Board" or "Bond Finance 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 the 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. Appropriations from such funds shall be made for the following purposes and in the order named, viz:

(a) For the payment of maintenance and 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 the payment of principal, interest, reserve funds, sinking funds, and other funds established for the benefit of revenue bonds issued pursuant to the authority contained in Section 48.3(18) of this charter;

(d) For capital improvements to the properties of said harbor or used in connection with the operation thereof;

(e) For the payment of the principal and interest on any general obligation 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;

(f) 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;

(g) To pay for extensions and betterments to said harbor or to the equipment and facilities thereof;

(h) To establish a surplus or sinking fund for the improvement or extension of the harbor or any facility used in connection therewith.

Charter Amendment
Proposition M

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 52.1 thereto, relating to the California Academy of Sciences.

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 4, 1969, a proposal to amend the charter of said city and county by adding section 52.1 thereto, to read as follows:

Section 52.1 Notwithstanding the provisions of section 52 and subject to the approval of the board of supervisors, reasonable and appropriate charges may be made by the california academy of sciences for admission to or use of the buildings or improvements erected by or under the authority of the california academy of sciences in or on property owned or controlled by the city and county.

Charter Amendment
Proposition N

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 171.1.9.1 thereto, to provide for the granting of credit under the Retirement System to members of the Fire Department for service rendered in the Underwriters' Fire Patrol.

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 4, 1969, a proposal to amend the Charter of said city and county by adding Section 171.1.9.1 thereto, reading as follows:

Section 171.1.9.1. Any person who is a member under Section 171.1 on February 1, 1970, and who was employed in the uniformed force of the Underwriters' Fire Patrol of San Francisco prior to becoming such a member shall have the right to elect to make contributions pursuant to this section and to receive credit as service under the retirement system for all or any part of the time he was so employed.

Said election shall be made in writing on a form provided by the retirement system and filed with the retirement board within ninety (90) days after February 1, 1970.

Any such member who elects to make contributions and receive such credit shall contribute to the retirement fund an amount equal to the sum of (a) contributions computed by applying the rate of contribution applicable to him on the date he elected to receive credit for such service to the monthly compensation earnable by him on said date multiplied by the number of months of such service for which he has elected to receive credit and (b) interest on the unpaid balance of said contributions, commencing on the date of the member's election to make such contributions, at the rate of interest currently being used from time to time under the retirement system.

Payment of the contributions required by this section shall be made in a lump sum or by installment payments. Installment payments shall be made at times and in a manner fixed by the retirement board, provided that the period for completion of such payments shall not extend beyond the effective date of the member's retirement.

Upon completion of payment of contributions in the amount specified in this section, the member shall be credited with service under the retirement system in an amount equal to the service for which he has elected to receive credit pursuant to this section. The service with which the member is so credited shall be credited as current service.

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 fourth day of November, One Thousand Nine Hundred and Sixty-nine; 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 fifteenth day of December, One Thousand Nine Hundred and Sixty-nine.

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 2

Assembly Concurrent Resolution No. 1—Relative to California Fish and Game Centennial Year.

[Filed with Secretary of State January 12, 1970.]

WHEREAS, The California Fish Commission, forerunner of the present-day Fish and Game Commission, was created by the Legislature on April 2, 1870; and

WHEREAS, The California Fish and Game Commission and the Department of Fish and Game have long been recognized as leaders in fish and wildlife research, protection, management and conservation; and

WHEREAS, The fish and wildlife resources of California constitute a priceless part of our heritage as well as a vital part of our present environment; 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 1970 as California Fish and Game Centennial Year, a year of recognition of a century of leadership

in fish and wildlife conservation and a year for rededication of all of our citizens to the principles of conservation of our fish and wildlife resources through wise use, planning and scientific management and maintenance of the environment upon which these living resources depend for their existence and perpetuation; 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 to the California Fish and Game Commission and the Department of Fish and Game.

RESOLUTION CHAPTER 3

Assembly Concurrent Resolution No. 8—Relative to motor vehicle emission standards.

[Filed with Secretary of State January 15, 1970.]

WHEREAS, Both the Assembly Committee on Transportation's Subcommittee on Air Pollution and the Senate Committee on Public Health heard testimony during the recently completed interim on the injurious effects of atmospheric pollution; and

WHEREAS, Motor vehicles are the major source of atmospheric pollution in the State of California; and

WHEREAS, The California Legislature enacted the Pure Air Act of 1968 establishing vehicle emission standards which all new vehicles must meet beginning this year, and which become increasingly more stringent through 1974; and

WHEREAS, The Assembly of the California Legislature during the 1969 session requested the State Air Resources Board to establish more stringent motor vehicle emission standards based upon a finding of necessity and technological feasibility; and

WHEREAS, The State Air Resources Board requested its technical advisory committee, composed of 12 distinguished experts from the fields of atmospheric pollution control and motor vehicle engine systems, to determine the necessity and technological feasibility of establishing stronger vehicle emission standards for the years following 1974; and

WHEREAS, The technical advisory committee reported to the State Air Resources Board on November 19, 1969, that it is necessary and technologically feasible to restrict the emissions in 1975 and later model vehicles sold in the State of California to the following emission levels:

0.5 grams per mile hydrocarbons,
12 0 grams per mile carbon monoxide,
1.0 grams per mile oxides of nitrogen;

now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the State Air Resources

Board is requested to adopt at its January 21, 1969, hearing the motor vehicle emission standards recommended for 1975 and thereafter by its technical advisory committee; and be it further

Resolved, That, upon the approval of the above standards, the State Air Resources Board is requested to immediately apply to the Secretary of the United States Department of Health, Education and Welfare, for a waiver to enforce such standards, as required by federal law; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Chairman of the State Air Resources Board.

RESOLUTION CHAPTER 4

Senate Concurrent Resolution No. 4—Relative to proclaiming the City of Monterey the honorary capital of California for 1970.

[Filed with Secretary of State January 16, 1970.]

WHEREAS, In 1603 mass was said at the foot of an oak tree on the beach of Monterey Bay by the reverend Carmelite fathers who were in the company of explorer Don Sebastián Vizcaíno; and

WHEREAS, On June 3, 1770, Don Gaspar de Portolá, commander of a land expedition, met with Fray Junípero Serra, a San Francisco priest, on the beach of Monterey, and raised the flag of Spain to lay claim, in the name of their Catholic Majesties, Carlos III of Spain, to all Alta California, after which mass was celebrated near the same oak tree, and the Mission San Carlos de Borromeo was founded for the conversion of the Indians to Christianity; and

WHEREAS, On April 11, 1822, news reached the town of Monterey that Mexico had overthrown Spanish rule and gained its independence; and

WHEREAS, In 1825 California acknowledged jurisdiction of and pledged allegiance to the Republic of Mexico; and

WHEREAS, In 1849 the California Bear Flag was raised over Colton Hall in Monterey when a state constitutional convention declared California, with its capital at Monterey, to be the first Pacific Coast state of the United States of America; and

WHEREAS, In 1850 California was admitted as a free state to the Union under the Compromise of 1850; 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 City of Monterey the honorary capital of California for 1970 in commemoration of its bicentennial year; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to Governor Reagan and a suitably prepared copy to the City of Monterey.

RESOLUTION CHAPTER 5

Assembly Concurrent Resolution No. 7—Relative to California Ski Week.

[Filed with Secretary of State January 21, 1970.]

WHEREAS, California has for many years offered skiing enthusiasts unparalleled opportunities for the practice of winter sport; and

WHEREAS, In recent years developed facilities for skiing in the state have increased in number, indicating a great growth in interest throughout California in this sport; and

WHEREAS, The promotion of skiing in California has brought recreational and economic benefit to the mountain areas of the state; and

WHEREAS, The sport of skiing is deserving of recognition and support by all Californians; 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 period of January 16–25, 1970, as "California Ski Week"; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor.

RESOLUTION CHAPTER 6

Senate Concurrent Resolution No. 11—Relative to commending A. P. "Dutch" Hamann.

[Filed with Secretary of State January 23, 1970.]

WHEREAS, The Members of the Senate wish to commend and congratulate Mr. A. P. "Dutch" Hamann on 20 years of dynamic leadership as City Manager of the City of San Jose; and

WHEREAS, Mr. Hamann was born in Orange County in 1909, graduated from Santa Clara University in 1932 with a bachelor's degree in philosophy, and attended law school at Santa Clara University and Loyola University in Los Angeles; and

WHEREAS, He served his country during World War II rising to the rank of lieutenant commander in the United States Navy, worked as district manager for Chevrolet Motor Company for three years, acted as business manager and assistant to the president of Santa Clara University for four years, and became Salinas area distributor for Union Oil Company; and

WHEREAS, Mr. Hamann was selected in 1950 as City Manager of San Jose, a city of 95,000 persons and 17 square miles; and

WHEREAS, He has been one of the major forces behind the unprecedented growth of San Jose both in population and area; and

WHEREAS, Mr. Hamann has demonstrated great foresight in preparing the City of San Jose for its growth by supporting new and improved freeways, an expanded municipal park system, and a new airport; and

WHEREAS, He has been an innovator and leader in municipal financing, providing expanded facilities and services to his fast-growing area while keeping taxes at one of the lowest levels in the state; and

WHEREAS, San Jose is now a city of over 450,000 in population and 137 square miles in area and has been selected as an All-American City by Look Magazine; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members join in commending and congratulating Mr. A. P. "Dutch" Hamann for his years of public service to his community and the State of California; and be it further

Resolved, That the Secretary of the Senate is directed to transmit a suitably prepared copy of this resolution to A. P. "Dutch" Hamann.

RESOLUTION CHAPTER 7

Senate Concurrent Resolution No. 12—Relative to memorializing Herman H. Ridder.

[Filed with Secretary of State January 23, 1970.]

WHEREAS, The Members of the Legislature have learned with sorrow of the death of Herman H. Ridder, publisher of the Long Beach Independent, Press-Telegram; and

WHEREAS, Mr. Ridder's death ended a 17-year association with his adopted city of Long Beach and a newspaper career which spanned almost 40 years; and

WHEREAS, Born in New York City, June 24, 1908, he attended Blessed Sacrament Academy, All Hallows Institute and Columbia University; and

WHEREAS, He became publisher of the Independent, Press-Telegram on August 15, 1952, when the Ridder family purchased both newspapers; he had been publisher of the St. Paul (Minnesota) Dispatch, and Pioneer Press since 1945 and prior to that, publisher of the St. Paul Daily News; upon his arrival in Long Beach he told the community what it could expect from his newspapers: "We are going to concentrate on local projects and build Long Beach into an even finer and greater community. . . . There is one thing a newcomer can bring to a city and that is an outside point of view. You have all been too well off"; and

WHEREAS, A reserve colonel, Mr. Ridder had a distinguished Marine Corps career in World War II, and was awarded a Bronze Star for his services as a group intelligence officer on Okinawa; Mr. Ridder's military training was evidenced in the thoroughness of his preparations for editorial

campaigns; he believed in researching a problem, marshaling his facts, then presenting the logic of his arguments through his newspapers; and

WHEREAS, While he could and did prick the civic conscience with the tone of his oratory, he preferred to let his newspapers' editorial pages speak for him; his conviction was that given the truth of an issue and the stakes involved for them and their community, the people would demand and get appropriate action from those who represented them; and

WHEREAS, Under his leadership, the Independent, Press-Telegram played a key role in community efforts which saved $250 million in tidelands-improvement oil revenues when the city's trusteeship was assailed in political battles and achieved needed "unitization" legislation which saved Long Beach harbor from subsidence; and

WHEREAS, Herman Ridder was active on both the state and community level; he was a leader in the fight to reform the inheritance tax appraiser's system, and in 1960 was appointed a Trustee of the California State Colleges; and

WHEREAS, He established a $500,000 trust fund for St. Mary's Hospital in Long Beach, sponsored the first International Sculpture Symposium in the United States, an event which brought world attention to California State College at Long Beach, was a patron of the Civic Light Opera, the Art Museum, the Long Beach Symphony, the Starlight Serenades, championed the cause of community theater, and had served as chairman of a special county subcommittee which resulted in a cultural arts center in Long Beach; and

WHEREAS, Many honors were conferred on Ridder during his 17 years in Long Beach but perhaps the one of which he was most proud was the meritorious public service citation presented to him by Secretary of the Navy Paul H. Nitze for outstanding editorials and other writings in support of naval and Marine Corps activity in the Long Beach area; the citation lauded his efforts in behalf of getting approval of the Long Beach Naval Hospital, and the editorial fight of his newspapers to retain the threatened naval shipyard for Long Beach; and

WHEREAS, In addition to being publisher of the Independent, Press-Telegram, he was president and director of Ridder Publications, Inc., an operating company with interest in the Garden Grove Orange County Evening News, Pasadena Independent, Star-News; San Jose Mercury-News; Aberdeen, South Dakota, American News; Grand Forks, North Dakota, Herald; Duluth Herald, News Tribune; New York Journal of Commerce, St. Paul Dispatch, Pioneer-Press, Seattle Times, Boulder, Colorado, Daily Camera, and Gary, Indiana, Post-Tribune; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members extend their most profound sympathy on the death of Herman H. Ridder to his wife, Ponnie, his parents Bernard H. Ridder and Hilda Luyties Ridder, his daughter, Marsha Ridder Van Vliet, his son,

Thomas Payne Le Bosquet, his brothers, Bernard, Joseph, and Daniel, and to his grandchildren; and be it further

Resolved, That the Secretary of the Senate transmit suitably prepared copies of this resolution to Mrs. Herman H. Ridder, Bernard H. Ridder, Hilda Luyties Ridder, Marsha Ridder Van Vliet, Thomas Payne Le Bosquet, Bernard Ridder, Joseph Ridder and Daniel Ridder.

RESOLUTION CHAPTER 8

Assembly Concurrent Resolution No. 2—Relative to Junior Achievement Week.

[Filed with Secretary of State January 26, 1970.]

WHEREAS, For 50 years Junior Achievement has functioned as an educational program for high school students between the ages of 15 and 19, providing them with 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, During 1968, 13,288 California high school students were given such business training in 582 Junior Achievement companies in 15 communities; and

WHEREAS, The week of January 25 through January 31, 1970, has been nationally designated Junior Achievement Week, publicizing this program which through training and experience develops informed and responsible citizens who will be the nation's future voters, employers and employees; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members urge the Governor to continue California's recognition and support of this worthy program by proclaiming the week of January 25 through January 31, 1970, as Junior Achievement Week; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor.

RESOLUTION CHAPTER 9

Senate Concurrent Resolution No. 14—Approving certain amendments to the Charter of the City of San Diego, a municipal corporation in the County of San Diego, State of California, voted for and ratified by the qualified electors of said city at the general municipal election held on November 4, 1969.

[Filed with Secretary of State January 29, 1970.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of certain amendments here-

inafter set forth to the Charter of the City of San Diego, a municipal corporation in the County of San Diego, 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 San Diego }

We, the undersigned, Frank Curran, Mayor of The City of San Diego, and John Lockwood, City Clerk of said City, do hereby certify and declare as follows:

The City of San Diego, a municipal corporation, is now and since the year 1931 has been organized and existing under and pursuant to the provisions of a freeholders' charter adopted in accordance with and by virtue of the provisions of Section 8, Article XI of the Constitution of the State of California.

That pursuant to and in accordance with the provisions of Section 8, 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 proposed to the qualified electors of The City of San Diego certain amendments to the Charter of the said City, which amendments were designated as Propositions A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P and Q, and submitted said propositions to the qualified electors of The City of San Diego at the general municipal election held on November 4, 1969.

That said proposed charter amendments were published and advertised in the Daily Transcript, a daily newspaper of general circulation published in the City of San Diego, and the official newspaper of said City, and in each edition thereof during the day of publication, to wit: September 12, 1969.

That copies of said proposed charter amendments were printed in convenient pamphlet form and in type of not less than ten point, and were mailed to each of the qualified electors of said City, and that until the date fixed for the election herein described, a notice was advertised and published in the Daily Transcript, a daily newspaper of general circulation published in the City of San Diego, and the official newspaper of said City, that copies of said proposed charter amendments could be had upon application therefor at the office of the City Clerk of The City of San Diego.

That such copies of said proposed charter amendments could be had upon application therefor at the office of the City Clerk of said City until the date fixed for said election. That said proposed amendments were submitted to the qualified electors of said City at said general municipal election held in said City.

That at said election on the said proposed amendments to the Charter of The City of San Diego, a majority of the qualified voters of the City voting on said proposed amendments voted in favor of propositions C, E, G, J, K, L, O and Q, and said proposed amendments were ratified by a majority of the

qualified electors of said City voting thereon. That all of said proceedings were duly and regularly had and taken in accordance with said Section 8 of Article XI of the Constitution of the State of California and the Charter of The City of San Diego and the laws of the State of California.

That as to the amendments of the Charter of The City of San Diego 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.

That the proposed amendments to the Charter of The City of San Diego, which were so ratified by a majority of the electors of said City, are in words and figures as follows:

Proposition C

Amend Section 7, and amend second paragraph and add a new paragraph to be inserted between second and third paragraphs of Section 12 of the Charter of The City of San Diego to read as follows:

Section 7. Elective Officers. No person shall be eligible to or hold any elective office of the City, either by election or appointment, unless he shall have been a resident and elector thereof for atleast three years next preceding his taking office.

In addition to the foregoing qualifications, every Councilman must have been at the time of his taking office, or appointment in the event of a vacancy, an actual resident in the district from which he was nominated for one year immediately preceding his taking office. Any Councilman who moves from the district of which he was a resident at the time of his taking office forfeits his office, but no Councilman shall forfeit his office as a result of redistricting.

Section 12. The Council.

Councilmen, including the Mayor, shall be elected at a general municipal election held in the odd-numbered years and, except as hereinafter provided, shall hold office for the term of four years from and after 10 a.m. the first Monday after the first day of December next succeeding their election and until their successors are elected and qualified. Upon any redistricting pursuant to the provisions of this Charter, incumbent councilmen will continue to represent the district in which they reside, unless as a result of such redistricting more than one incumbent councilman resides within any one district, in which case the City Council may determine by lot which councilman shall represent each district. At the next municipal primary and general elections following a redistricting, councilmen shall be elected from those districts not represented and from those districts represented by incumbent councilmen whose terms expire as of the general election in said year. If as a result of any redistricting more than a simple majority of the City Council as redistricted shall be elected at the general election next following any such redis-

tricting, the City Council prior to any such election shall designate one or more new districts for which the initial councilmanic term shall be two (2) years in order to retain staggered terms for councilmen.

The one-year district residency requirement of Section 7 of this Charter shall not apply to a person, herein called "prospective candidate," who seeks to be a candidate for election or appointment to the office of councilman and is otherwise eligible for the office, if all of the following conditions apply: a redistricting has occurred less than one year before prospective candidate, if elected or appointed, would take office; as a result of the redistricting, the district of prospective candidate's residence has changed to a district in which no councilmanic election will be held at the next succeeding municipal election; prior to filing his candidacy for election or appointment, prospective candidate moves his residence into a district bordering upon the district into which prospective candidate's residence has been placed by the redistricting.

Proposition E

Amend the fourth paragraph of Section 12 of the Charter of The City of San Diego to read as follows:

Section 12. The Council.

It is the duty of councilmen to attend all Council meetings. The Council shall vacate the seat of any councilman who is absent from eight (8) consecutive meetings or fifty percent (50%) of any scheduled meetings within a month unless the absence thereof is excused by resolution of the Council.

Proposition G

Amend Section 16 of the Charter of The City of San Diego to read as follows:

Section 16. Introduction and Passage of Ordinances and Resolutions. Ordinances shall be introduced in the Council only in written or printed form. All ordinances, except annual appropriation ordinances and ordinances codifying or rearranging existing ordinances, shall be confined to one subject, and the subject or subjects of all ordinances shall be clearly expressed in the title. The annual appropriation ordinance, any ordinance calling or relating to elections, ordinances recommended by the City Manager or other independent department heads transferring or appropriating moneys already appropriated by the annual appropriation ordinance, ordinances establishing or changing the grade of a public highway, and emergency ordinances as defined by Section 17 of this Charter, may be passed by the Council on the day of their introduction. Other ordinances, however, shall be passed only after twelve (12) calendar days have elapsed between the day of their introduction and the day of their final passage. Each ordinance shall be read in full prior to the final passage of such ordi-

nance, unless such reading shall be dispensed with by a vote of not less than a majority of the members elected to the Council, and not then unless there shall have been available for the consideration of each member of the Council and the public prior to the day of its final passage a written or printed copy of said ordinance. The yeas and nays shall be taken upon the passage of all ordinances and entered upon the journal of the proceedings of the Council. The yeas and nays shall be taken and entered upon the passage of all resolutions receiving a split vote, or upon the request of two or more members of the Council. The enacting clause of ordinances passed by the Council shall be "Be it ordained by the Council of The City of San Diego." The enacting clause of ordinances submitted by the initiative shall be "Be it ordained by the people of The City of San Diego."

Proposition J

Amend Sections 41, 43, 115 and the first paragraph of Section 144, and repeal Sections 42 and 43.1 of the Charter of The City of San Diego, as follows:

Section 41. Commissions. The Mayor shall appoint, subject to the confirmation of the Council, members of all commissions established pursuant to this section. Whenever the Mayor does not appoint a member within forty-five (45) days after a vacancy occurs, the Council shall make such appointment. The commissioners shall be limited to two (2) full consecutive terms, with one (1) term intervening before they become eligible for reappointment; and this provision shall apply to anyone who has served two (2) full consecutive terms by January 1972. The terms of commissioners may extend beyond the elective term of the appointing Mayor. The Mayor shall fill, subject to the confirmation of the Council, any vacancy and such appointment shall be for the unexpired term of the office being filled. The City Council may remove a member of the Civil Service Commission for cause by vote of two-thirds ($\frac{2}{3}$) of the members of the Council. However, before the Council may remove a member of the Civil Service Commission, written charges shall be made against the commission member and an opportunity afforded for public hearing before the Council upon such charges. The City Council may remove members of all other commissions established pursuant to this section for cause by vote of a majority of the members of the Council.

(a) Funds Commission. This Commission shall have supervision and control over all trust, perpetuity, and investment funds of the City and such pension funds as shall be placed in its custody, and shall administer them subject to the laws of the State and ordinances of the Council. The membership of this Commission shall be appointed by the Mayor and confirmed by the Council and shall be one bank official, two unclassified citizens, and the City Attorney and City Treasurer, ex-officio They shall serve without compensation

for terms of four (4) years and until their successors are elected and qualified. Notwithstanding any other provision of this section, appointments shall be made so that not more than one (1) term of office shall expire in any year.

(b) Civil Service Commission. There shall be a Civil Service Commission consisting of five members who shall be electors of the City. Not more than three members of the Commission shall be of the same sex. The Mayor, with the approval of the Council, shall appoint the members of the Commission. The members of the Commission shall be appointed to serve for five years and until their successors have been appointed and qualified. Notwithstanding any other provision of this section, appointments shall be made so that not more than one (1) term of office shall expire in any year. The Mayor, with the approval of the Council, shall fill any vacancy.

Members of the Civil Service Commission shall not hold any other office in City government.

(c) City Planning Commission. The City Planning Commission shall be organized as provided by the laws of the State and have such powers and perform such duties as are prescribed by such laws. The duties of the Commission shall also include advising upon public buildings, bridges, retaining walls, approaches, park and harbor structures, the improvement of Pueblo lands and such other improvements as the Council may by ordinance determine. The Commission shall consist of seven (7) members appointed by the Mayor, subject to the confirmation of the Council. The City Engineer, and the City Attorney, or their designated representatives, shall be members ex-officio, but neither of said officers shall have a vote. The members of this Commission shall serve without compensation for terms of four years and until their successors are elected and appointed and qualified.

Notwithstanding any other provisions of this section, appointments to this Commission shall be made so that not more than three (3) members are appointed in any one year. To accomplish this, initial appointments to this Commission, after the effective date of this amendment, shall be made so as to provide that the terms of office of two (2) members shall be for four (4) years; two (2) members for three (3) years; two (2) members for two (2) years; and one (1) member for one (1) year.

Section 43. Advisory Boards and Committees.

(a) The City Council may by ordinance create and establish advisory boards. Such boards shall be advisory to the Mayor, Council or City Manager as may be designated by ordinance. All members of such boards shall be appointed by the Mayor with Council confirmation, and the terms of office of such members may extend beyond the elective term of the appointing Mayor. The members of such boards shall serve without compensation and it shall be their duty to consult and advise with the Mayor, Council or City Manager, as the case may be, but

not to direct the conduct of any Department or Division. Members of such advisory boards shall be limited to a maximum of eight (8) consecutive years in office and an interval of four (4) years must pass before such persons can be reappointed.

(b) The Mayor, City Council or City Manager may create and establish citizens' committees. Such committees shall be created and established only for the purpose of advising on questions with clearly defined objectives, and shall be temporary in nature, and shall be dissolved upon the completion of the objectives for which they were created. Committee members shall serve without compensation.

(c) Whenever under the provisions of this Charter or ordinance the Mayor is vested with authority to appoint the members of boards or committees and does not take such action within forty-five (45) days after the board or committee has been established or a vacancy occurs, then the Council shall make such appointments. The Council may remove committee and board members by vote of a majority of the members of the Council.

Section 115. Civil Service Commission. This Commission shall have supervision over the selection, promotion and removal of all employees of the City subject to the Civil Service provisions of this Charter.

Section 144. Board of Administration.

The system shall be managed by a Board of Administration which is hereby created, consisting of the City Manager, City Auditor and Comptroller, the City Treasurer, three members of the Retirement System, to be elected from the active membership, an officer of a local bank and two (2) citizens of the City, the latter three to be appointed by the Council. Such appointees shall serve without compensation. Members of the Board, other than ex-officio, shall serve six years or until their successors are elected and qualified, and shall so classify themselves by lot that one term shall expire each year. The members of the existing Board shall serve out their unexpired terms.

Sections 42 and 43.1 are to be repealed in their entirety:

Section 42. City Planning Commission. The City Planning Commission shall be organized as provided by the laws of the State and have such powers and perform such duties as are prescribed by such laws. The duties of the Commission shall also include advising upon public buildings, bridges, retaining walls, approaches, park and harbor structures, the improvement of Pueblo lands and such other improvements as the Council may by ordinance determine. The Commission shall consist of seven (7) members appointed by the Mayor, subject to the confirmation of the Council. The City Engineer, and the City Attorney, or their designated representatives, shall be members ex-officio, but neither of said officers shall have a vote. The members of this Commission shall serve with-

out compensation for terms of two years or until their successors are elected and appointed and qualified.

Section 43.1. Commissions, Boards, Committees—Appointments. Whenever under the provisions of this Charter or ordinance the Mayor is vested with authority to nominate or appoint subject to confirmation of the Council the members of commissions, boards or committees, and the Council has failed or refused to confirm two successive nominations of the Mayor to a vacancy on such commission, board or committee, the nomination and appointment to fill such vacancy shall be by vote of the Council.

Proposition K

Amend the first paragraph of Section 66 of the Charter of The City of San Diego to read as follows, and repeal the third paragraph:

Section 66. Board of Education.

The government of the San Diego Unified School District shall be vested in a Board of Education, composed of five members who shall be nominated and elected at the regular municipal primary elections and the general municipal elections at the same time as the election of councilmen. At the municipal primary election there shall be chosen by the registered voters of each Board of Education District two candidates for the office of any Board of Education member from a District whose term expires the succeeding December. At the general municipal election the registered voters of the whole San Diego Unified School District shall select from among the candidates chosen at the primary election in each district one candidate for the office of each Board of Education member whose term expires the succeeding December. Each candidate for the Board of Education shall have been a registered voter of the San Diego Unified School District at least three years next preceding his taking office and shall have been an actual resident of the election district from which he was nominated for one year immediately preceding his taking office. The members shall serve for a term of four years, or until their successors are elected and qualified, except as herein provided. Any vacancy occurring in the Board shall be filled from the election district in which the vacancy occurs by appointment by the remaining Board members; but in the event that said remaining members fail to fill such vacancy by appointment within thirty (30) days after the vacancy occurs, they must immediately cause to be held a primary election in the district in which the vacancy occurs and a general election within the entire school district to fill such vacancy; provided, however, that any person appointed to fill such vacancy shall hold office only until the next regular municipal election, at which date a person shall be elected to serve for the remainder of such unexpired term. Each member shall receive a compensation of $1,200.00 per annum, which compensation shall be paid by the San Diego Unified School District.

The following paragraph 3 is to be repealed in its entirety:

The term of office of one of the three members of the Board of Education elected at the general municipal election in 1963 shall be extended for two (2) additional years. Thereafter, the term of the office so extended shall be four (4) years. The member whose term will thus be extended shall be chosen by lot prior to April 1, 1965, at a drawing conducted by the City Clerk, held at a public meeting of the Board of Education.

Proposition L

Amend Sections 69, 71 and 81 of the Charter of The City of San Diego to read as follows:

Section 69. Fiscal Year and Manager's Estimate. The fiscal year of the City shall begin with the first day of July and shall end with the next succeeding 30th day of June. On or before the first meeting in May of each year the Manager shall prepare and submit to the Council a budget of the expense of conducting the affairs of the City for the ensuing fiscal year. Departments not under the Manager shall submit their annual budget estimates to the Manager, or to such official as he may designate, and in such form as he shall require on or before April 1 for transmittal in proper form by the Manager to the Council. The budget shall include a summary outline of the fiscal policy of the City for the budget year, describing in connection therewith the important features of the budget plan; a general budget summary setting forth the aggregate figures of the budget in such manner as to show the balanced relations between the total proposed expenditures and the total anticipated income and other means of financing the budget for the ensuing year, contrasted with the corresponding figures for the current year. The classification of the estimate shall be as nearly uniform as possible for the main divisions of all Departments and shall furnish necessary detailed fiscal information.

The Council shall provide for printing a reasonable number of copies of the estimate thus prepared, for examination or distribution to citizens at least fifteen days before final passage. Copies shall also be furnished to the newspapers of the City and to each library thereof which is open to the public.

Section 71. Preparation and Passage of Annual Appropriation Ordinance. Upon receipt of the Manager's estimate the Council shall prepare an appropriation ordinance using such estimate as a basis. The form, arrangement and itemization of the appropriation ordinance shall be determined and prescribed by the Auditor and Comptroller, and City Attorney. Provision shall be made by the Council for a minimum of two (2) public hearings upon the appropriation ordinance either before a Committee of the Council or before the Council sitting as a committee of the whole. Following the public hearings the appropriation ordinances shall take the same course in the Council as other ordinances and shall be adopted during the

month of July. The Council may reduce or eliminate any item, may increase any amount or add any new item for personal services, contractual services, materials, supplies, and equipment for any Department. Upon final passage, the appropriation ordinance shall be published in the manner provided for the publication of other ordinances.

Section 81. Allotments. The Manager shall be responsible for establishing internal budgetary allotments based on the allocations contained in the annual appropriation ordinance for each department of the City.

Proposition O

Amend Section 103 of the Charter of The City of San Diego to read as follows:

Section 103. Franchises. The Council shall have power to grant to any person, firm or corporation, franchises, and all renewals, extensions and amendments thereof, for the use of any public property under the jurisdiction of the City. Such grants shall be made by ordinance adopted by vote of two-thirds ($\frac{2}{3}$) of the members of the Council and only after recommendations thereon have been made by the Manager and an opportunity for free and open competition and for public hearings have been given. No ordinance granting a franchise or a renewal, extension or amendment of an existing franchise shall be effective until thirty days after its passage, during which time it shall be subject to the referendum provisions of this Charter. No franchises shall be transferable except with the approval of the Council expressed by ordinance.

Proposition Q

Amend Section 211 of the Charter of The City of San Diego to read as follows:

Section 211. Oath of Office. Every officer or member of a Committee, Board or of a Commission of the City shall, before entering upon the duties of his office, take and subscribe to an oath or affirmation as provided by the Constitution or General Law of the State to be filed and kept in the office of the City Clerk.

and we further certify that we have compared the foregoing proposed and ratified amendments to the Charter of The City of San Diego with the original proposal submitting the same to the electors of said City, and find that the foregoing is a full, true and exact copy thereof.

In witness whereof, we have hereunto set our hands and caused the seal of said The City of San Diego to be affixed hereto this 6th day of January, 1970.

(SEAL)

FRANK CURRAN
Mayor of The City of
San Diego, California
JOHN LOCKWOOD
City Clerk of The City of
San Diego, California

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 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 Diego, as proposed to and adopted and ratified by the electors of the city, as hereinbefore fully set forth, be and the same 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 Diego.

RESOLUTION CHAPTER 10

Assembly Concurrent Resolution No. 9—Relative to the Joint Committee on Teacher Licensing and Public School Employment.

[Filed with Secretary of State January 29, 1970.]

WHEREAS, The Joint Committee on Teacher Licensing and Public School Employment was created by Resolution Chapter 26 (ACR 16) of the Statutes of 1969; and

WHEREAS, The Joint Committee on Teacher Licensing and Public School Employment met its legislative mandate to report on the subject of teacher-administrator ratios, and has successfully secured enactment of legislation, Assembly Bill No. 2300, which was chaptered as Chapter 1519 of the Statutes of 1969; and

WHEREAS, The Joint Committee on Teacher Licensing and Public School Employment met its legislative mandate to report on the subject of teacher licensing reform, and successfully secured passage of legislation, Assembly Bill No. 740, which, however, was not signed into law; and

WHEREAS, There remains a crucial need to reform teacher licensing and because the Joint Committee on Teacher Licensing and Public School Employment has undertaken a systematic investigation of this area and has developed teacher licensing reform legislation which secured strong bipartisan support during the 1969 session of the Legislature, it is deemed wise that the efforts to provide legislative reform of teacher licensing be continued; and

WHEREAS, The Governor, in his veto message as to Assembly Bill No. 740 indicated strong executive interest in this important area when he stated that, " . . . I veto this bill at this time not because I wish to discourage attempts at change in this area; on the contrary, I encourage change in the area

covered by the bill . . . I hope that AB 740 will serve as a stimulus and that its veto will not serve to discourage consideration of change in an area needing it badly, and I assume that by the next legislative session we will have a strong consensus around a clearly understood and well developed program of legislation—or changes in policy and procedures within present departments and boards to improve the preparation, evaluation, and certification of teachers . . . "; 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 continued and authorized and directed to ascertain, study and analyze all facts relating to the employees in public school employment, the present requirements for teaching and other credentials, the use of "aides" to partially fulfill practice teaching requirements, 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 30th day of June, 1970, with authority to file its final report during 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 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.

(b) 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.

(c) 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.

(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.

7. The sum of ten thousand dollars ($10,000), plus any unencumbered and unexpended amounts allocated to the Joint Committee on Teacher Licensing and Public School Employment created by Resolution Chapter 26 (A.C.R. 16) of the Statutes of 1969, 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, in accordance with the Joint Rules of the Senate and Assembly, upon warrants drawn by the State Controller upon the State Treasurer.

RESOLUTION CHAPTER 11

Assembly Joint Resolution No. 5—Relative to agricultural labor-management relations.

[Filed with Secretary of State January 29, 1970.]

WHEREAS, Agriculture is the number one industry in California, and is the source, directly or indirectly of one out of every three jobs in the state; and

WHEREAS, California agriculture directly employs more than one-half million workers, most of whom depend primarily upon agricultural wages for income; and

WHEREAS, The products of California agriculture move widely in both national and international commerce, and must compete with agricultural products originating in other states and countries where labor standards and labor costs are lower than those in California; and

WHEREAS, A substantial minority of the California farm labor force also seek farm employment or maintain residence outside of the state during a portion of the year; and

WHEREAS, Both organized labor and agriculture are in agreement, as manifested by testimony before legislative committees during the past year, that problems of labor-management relations law in agriculture are truly national in character, and can be appropriately dealt with through federal legislation; 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 promptly enact legislation establishing labor-management relation laws covering agricultural employment; 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 12

Assembly Concurrent Resolution No. 23—Relative to the retirement of Chief Justice Roger J. Traynor.

[Filed with Secretary of State January 29, 1970.]

WHEREAS, The Members of the Legislature of the State of California have learned of the retirement of Roger J. Traynor, 23rd Chief Justice of California, from that high office on January 31, 1970, concluding nearly 30 years of distinguished service to the people of California as a member of its Supreme Court; and

WHEREAS, Chief Justice Traynor has authored, among some 900 opinions covering all aspects of the law, many brilliant opinions whose impact and lucidity have been characterized by a Chief Justice of the United States as "planting seeds and charting trails that have become landmarks" and have caused him to be called the "number one judge in the United States" by a distinguished Chief Justice of the State of Illinois; and

WHEREAS, The Chief Justice has exerted a profound influence on the development of law and the administration of justice throughout the nation by the publication of scores of scholarly articles in law journals and by his numerous addresses to professional groups in all parts of the country; and

WHEREAS, Roger J. Traynor has contributed significantly to improving the quality of government in California as the head of its judicial system since 1964 in his capacity as Chairman of the Judicial Council and, prior to his chairmanship, as a member of the council since 1959, and demonstrated his talents as an administrator at an early age, prior to his service on the Supreme Court, through his distinguished service to the State of California and to the United States of America in a time of fiscal emergency as chief draftsman and first administrator of the California Retail Sales Tax Act and as consultant to the United States Treasury Department; and

WHEREAS, Chief Justice Traynor has received, among the many honors awarded during his career as a jurist, the Award

of Merit from the American Trial Lawyers Association in 1961, the American Bar Association Gold Medal for conspicuous service in the cause of American jurisprudence in 1967, the California Town Hall Award for public service in 1969, and a special tribute from the Association of American Law Schools in 1969 which noted that "under his leadership the Supreme Court of California has been placed in the forefront of law reform in the finest common law tradition;" now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State of California commends Chief Justice Roger J. Traynor for the great honor and prestige that he has brought to California and to its judicial system and for the courage, intellectual independence, and compassion for his fellow man that he has exhibited throughout his career; and be it further

Resolved, That the Members of the Legislature extend their best wishes to Chief Justice Traynor for happiness and good health during his well-earned retirement, and express their pleasure that his talents will continue to be available to California and the rest of the United States through his future work as a teacher of law and as head of a national committee on judicial ethics; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a suitably prepared copy of this resolution to Chief Justice Roger J. Traynor.

RESOLUTION CHAPTER 13

Senate Concurrent Resolution No. 3—Relative to Negro History Week.

[Filed with Secretary of State January 29, 1970]

WHEREAS, California was the first state to enact legislation providing for the teaching of Negro history; and

WHEREAS, Concerned citizens throughout California will be observing the period of February 8th through 14th as the 55th annual National Negro History Week, sponsored by the Association for the Study of Negro Life and History; and

WHEREAS, This period will be a fitting time for all Californians to contemplate the innumerable and significant contributions which Negro citizens have made in science, industry, government, and the professions to the enrichment and advancement of our multiracial culture; and

WHEREAS, The theme for 1970 is "The Fifteenth Amendment and Black America in the Century 1870 to 1970"; and

WHEREAS, The Authors' Study Club, the Los Angeles branch of the Association for the Study of Negro Life and History, is celebrating its 25th anniversary in 1970; and

WHEREAS, The Authors' Study Club is sponsoring appropriate observances of Negro History Week in California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature hereby requests the Governor to proclaim the period of February 8th through 14th as Negro History Week in California and urges that all Californians take advantage of this opportunity to learn of the roles and contributions of the American Negro in the development of the United States and 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 a suitably prepared copy to the Authors' Study Club.

RESOLUTION CHAPTER 14

Assembly Concurrent Resolution No. 13—Relative to the selection of the Legislative Counsel of California.

[Filed with Secretary of State February 2, 1970.]

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 15

Assembly Concurrent Resolution No. 51—Approving amendments to the Charter of the City of Cerritos, County of Los Angeles, State of California, ratified by the qualified electors of the city at a special election held therein on the 20th day of January, 1970.

[Filed with Secretary of State February 4, 1970.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of amendments to the Charter of the City of Cerritos, 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 CITY CLERK OF THE CITY OF CERRITOS
RATIFICATION OF CITY CHARTER AMENDMENTS

State of California
County of Los Angeles } ss.
City of Cerritos

The undersigned, Agnes Hickey, City Clerk of the City of Cerritos, California, and ex-officio Clerk of the City Council of said City, does hereby certify and declare as follows:

That the undersigned said Agnes Hickey was at all times herein mentioned the Clerk of the legislative body of the City and City Clerk of said City of Cerritos; that heretofore and prior to the 19th day of November, 1969, the said City Council of the City of Cerritos did cause to be framed certain proposed charter amendments to its City Charter as hereinafter set forth, and on the 19th day of November, 1969, at a regular adjourned meeting of said City Council of said City, said City Council by Resolution No. 69-43 adopted by a vote of a quorum of said City Council, ordered the proposition for the adoption of said proposed charter amendments to be placed on the ballot at the special election ordered in the City of Cerritos for the 20th day of January, 1970, for the purpose of submitting said propositions to the electors of said City of Cerritos; that said proposed charter amendments of the City of Cerritos were filed in the office of the City Clerk of Cerritos on the 19th day of November, 1969; that said Resolution No. 69-43 further ordered and directed that the City Clerk give such notice of said election and proposed charter amendments in time, form and manner as required by law;

That said proposed charter amendments were published pursuant to said order in the Artesia News on the 28th day of November, 1969, said newspaper being of general circulation in said City of Cerritos, stating that copies of the said proposed charter amendments could be had upon application therefor; that the date of such publication in the Artesia News was within fifteen (15) days after the said proposed charter amendments were 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 amendments, to wit, January 20, 1970, was not less than forty (40) days nor more than sixty (60) days after the completion of said advertising in said Artesia News as aforesaid;

That said election was duly and regularly held on the 20th day of January, 1970, and that at said election a majority of the qualified voters voting thereon voted in favor of each of the said proposed charter amendments and for the ratification and adoption thereof;

That the said City Clerk of the City of Cerritos on January 26, 1970, at the time and in the form and manner required by law, and in accordance with the law in such cases made and provided, duly canvassed the returns of said election in accordance with Resolution No. 70-1 adopted by the City Council of Cerritos on January 7, 1970, and has certified said results to this City Council.

That the City Council does declare and determine that a majority of said electors voting thereon had voted in favor of said proposed charter amendments and for the adoption thereof, and that the same were adopted and ratified by more than the majority of the qualified voters of the City of Cerritos voting thereon, as follows, to wit:

Proposition A:
Votes in favor of the adoption and ratification of said proposed charter amendment: 383
Votes against the adoption and ratification of said proposed charter amendment: 80
Proposition B:
Votes in favor of the adoption and ratification of said proposed charter amendment: 240
Votes against the adoption and ratification of said proposed charter amendment: 217
Proposition C:
Votes in favor of the adoption and ratification of said proposed charter amendment: 332
Votes against the adoption and ratification of said proposed charter amendment: 120
Proposition D:
Votes in favor of the adoption and ratification of said proposed charter amendment: 282
Votes against the adoption and ratification of said proposed charter amendment: 132
Proposition E:
Votes in favor of the adoption and ratification of said proposed charter amendment: 248
Votes against the adoption and ratification of said proposed charter amendment: 168
Proposition F:
Votes in favor of the adoption and ratification of said proposed charter amendment: 261
Votes against the adoption and ratification of said proposed charter amendment: 171
Proposition G:
Votes in favor of the adoption and ratification of said proposed charter amendment: 352
Votes against the adoption and ratification of said proposed charter amendment: 100

That said election was held in accordance with the election laws of the State of California relating to and governing such special municipal elections within said State, so far as applicable, and in other respects in strict accordance with the general laws of the State of California;

That said charter amendments so prepared, proposed, submitted, ratified and adopted as herein set forth is in the words and figures following, to wit:

Proposition A:
Proposed Charter Amendment

Section 401 of the Charter of the City of Cerritos is hereby amended to read as follows:

Section 401. Eligibility. No person shall be eligible to hold an elective office unless he is, and shall have been for

at least one year immediately preceding his election or appointment, a qualified elector of the City.

Proposition B:
Proposed Charter Amendment

Section 402 of the Charter of the City of Cerritos is hereby amended to read as follows:

Section 402. Compensation. The members of the City Council shall receive a salary in such amount as the City Council may by ordinance, from time to time approve. The members of the City Council shall receive reimbursement on order of the City Council for Council authorized traveling and other expenses when on official duty.

The City Clerk and City Treasurer shall receive compensation for their services in such amount and at such stated times as shall be prescribed by resolution adopted by the City Council.

Proposition C:
Proposed Charter Amendment

Section 408 of the Charter of the City of Cerritos is hereby amended to read as follows:

Section 408. Special Meetings. Special Meetings may be called at any time by the Mayor, or by three members of the City Council, by delivering personally or by mail, written notice to each member of the City Council and to each local newspaper of general circulation, and radio or television station requesting notice in writing. Such notice shall be delivered personally or by mail at least 24 hours before the time of such meeting as specified in the notice. The notice shall specify the business to be transacted and only such matters may be acted upon as are referred to in such written notice. A Special Meeting may be validly held without the giving of such written notice if all members shall give their consent, in writing, to the holding of such meeting and such consent is on file in the Office of the City Clerk at the time of such meeting. Such waiver may be by telegram. Written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes.

Proposition D:
Proposed Charter Amendment

Section 412 of the Charter of the City of Cerritos is hereby amended to read as follows:

Section 412. Adoption of Ordinances and Resolutions. With the sole exception of ordinances which take effect upon adoption, referred to in this Article, no ordinance shall be adopted by the City 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. However, an urgency ordinance may be passed immediately upon introduction and

either at a regular or special meeting. At the time of its introduction an ordinance shall become 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 an ordinance is altered after its introduction, the same shall not be finally adopted except at a regular or adjourned regular meeting held not less than five days after the date upon which such ordinance was so altered. The correction of typographical or clerical errors shall not constitute the making of an alteration within the meaning of the foregoing sentence.

Unless a different vote is required by other provisions of this Charter, the affirmative votes of at least three members of the City Council 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.

Any ordinance declared by the City 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.

Proposition E:
Proposed Charter Amendment

Section 700 of the Charter of the City of Cerritos is hereby amended to read as follows:

Section 700. In General. Except where specific State law provides the manner in which boards or commissions are to be created, the City Council may create by resolution, such boards or commissions as in its judgment are required and may grant to them such power and duties as are consistent with the provisions of this charter as determined by the City Council.

Proposition F:
Proposed Charter Amendments

Sections 702, 703, 704 and 705 of the Charter of the City of Cerritos, regarding the term of office of appointed Commissions and Boards, their meetings, re-organization dates and compensation are hereby repealed.

Proposition G:
Proposed Charter Amendment

Section 908 of the Charter of the City of Cerritos is hereby amended to read as follows:

Section 908. Actions Against City. No suit shall be brought on any claim for money or damages against the City or any board or officer thereof until a demand for the same has

been presented as herein provided and rejected in whole or in part. If rejected in part, suit may be brought to recover the whole. Except in those cases where a shorter time is otherwise provided by law, all claims for damages against the City must be verified and presented to the City Clerk within the time provided by law, and shall set forth in detail the name and address of the claimant, the time, date, place and circumstances of the occurrence and the extent of the injuries or damages received; all other claims or demands shall be presented within ninety days after the last item of the account or claim occurred.

In all cases such claims shall be approved or rejected in writing by order of the City Council and the date thereof given. Failure to complete the action approving or rejecting any claim or demand within sixty days from the day the same is filed with the City Clerk shall be deemed a rejection thereof.

I do further certify and declare that the foregoing constitutes a full, true, and correct statement of the actions and proceedings had by the City of Cerritos and the City Council of said City, in the matter of the framing, proposal, and submission of said proposed charter amendments for the government of the City of Cerritos, and in calling, voting upon, and canvassing the returns and declaring the results of said election.

In witness whereof, I have hereunto set my hand and hereto affixed the seal of the City of Cerritos, this 28th day of January, 1970.

(SEAL)

AGNES HICKEY
City Clerk of the City of Cerritos, California

Attest: TONY R. CORDEIRO
Mayor of the City of Cerritos

CERTIFICATE OF CITY CLERK OF THE CITY OF CERRITOS RELATING TO ARGUMENTS

State of California
County of Los Angeles } ss.
City of Cerritos

I, Agnes Hickey, City Clerk of the City of Cerritos, do hereby certify that the foregoing arguments for the proposed charter amendments, which were mailed to the voters pursuant to Section 5012 of the Government Code, were filed in my office on December 5, 1969. I further certify that no arguments were filed against the proposed charter amendments.

In witness whereof, I have hereunto set my hand and hereto affixed the seal of the City of Cerritos this 28th day of January, 1970.

(SEAL)

AGNES HICKEY
City Clerk of the City of Cerritos, California

ARGUMENTS FOR AND AGAINST CITY MEASURES

The following arguments for and against the city measures to be submitted at the special municipal election to be held in the City of Cerritos, California, on January 20, 1970, have been filed with the City Clerk pursuant to Article 4, Chapter 3, Division 4, (Sections 5010 to 5014, inclusive) of the Elections Code of the State of California:

Arguments in Favor of Charter Changes

Proposition A

Passage of this proposition would bring the City Charter into conformity with general state law. It would permit qualified electors of one year residency to become candidates for the City Council. Presently, no citizen is eligible to hold an elective office unless he has been a qualified elector in Cerritos for two years.

Proposition B

This proposition would allow the Cerritos City Council to enact an ordinance to authorize the payment of a salary to members of the City Council. Serving as a member of the City Council involves not only taking time away from the family but from business as well. In addition, being a member of the Council requires the expenditure of monies in order to participate in programs and events which benefit the entire community. If a salary were permitted, in the sum of $150 per month, as is currently authorized by state statute in a city with a population of between 5,000 and 35,000 people, then persons of more moderate means with fixed incomes or whose compensation is determined at an hourly rate, would be encouraged to participate in the affairs of this community as members of its City Council.

Propositions C, D, E, F and G

Since the adoption by the City of Cerritos of its Charter in 1959, there has never been a general revision of the Charter provisions. Propositions C through G, inclusive, represent suggested changes in the Cerritos Charter in order to bring the City Charter into conformity with recent changes in the state laws, thus:

Proposition C changes the notice required for the calling of special meetings, raising this time from eight hours, as currently exists, to 24 hours, as is provided by provisions of the Government Code. This change would likewise amend the Charter to conform with the practices adopted by the Cerritos City Council and which currently governs its affairs.

Proposition D authorizes the City to adopt an urgency ordinance, if this be necessary, at a special meeting. This change

has been permitted by reason of a recent amendment to the Government Code of the State of California.

Proposition E would authorize the appointment of Boards or Commissions which make recommendations to the City Council regarding the affairs of this City. Existing Article 7 provides for the appointment of Boards or Commissions by ordinance, a procedure which is cumbersome at best. Proposition E would authorize appointments to be made by resolution, except in these instances where state law requires some other procedure.

Proposition F would repeal sections of the Cerritos Charter which set up the terms of office for the members of Commissions, which prohibits the payment of compensation to commissioners, and which sets forth the rules regarding the internal affairs of the Commission. If this proposition is approved and Proposition E is likewise approved by the electorate of this City, then the adopting resolution would set forth the powers and duties of the Commissions which are being established.

Proposition G would change that particular section of the Cerritos Charter, which requires claims against the City to be presented within ninety (90) days after the occurrence of any event. The state law has from time to time been amended so as to enlarge the time in which claims must be filed and Proposition G would require claims to be presented within the time period provided by state law.

TONY R. CORDEIRO
Mayor of the City of Cerritos

Dated: December 5, 1969

Arguments Against Charter Changes
(None Filed)

CERTIFICATE OF CITY CLERK OF THE CITY OF CERRITOS RELATING TO ABSTRACT OF THE VOTE

State of California
County of Los Angeles } ss.
City of Cerritos

I, Agnes Hickey, City Clerk of the City of Cerritos, do hereby certify that the foregoing City Clerk's Certificate of Canvass is an abstract of the vote cast at the election at which the proposed charter amendments were approved by the voters.

In witness whereof, I have hereunto set my hand and hereto affixed the seal of the City of Cerritos this 28th day of January, 1970.

AGNES HICKEY
City Clerk of the City of
Cerritos, California

(SEAL)

Exhibit "A"

CITY CLERK'S CERTIFICATE OF CANVASS

I, Agnes Hickey, City Clerk of the City of Cerritos, County of Los Angeles, State of California, duly authorized by Resolution No. 70-1, adopted by the City Council of said City on the 7th day of January, 1970, do hereby certify that I have canvassed the returns of the special municipal election held in said city on the 20th day of January, 1970, and find that the number of votes given at each precinct for and against each measure were as follows:

AGNES HICKEY
City Clerk of the City of Cerritos

Dated January 26, 1970

Precinct	Prop. A Sec. 401		Prop. B Sec. 402	
	Yes	No	Yes	No
1	44	9	27	26
Consol. 2, 3, 4	71	20	42	48
Consol. 5, 6	56	12	35	32
7	99	24	62	59
8	50	9	38	20
9	62	6	36	31
Total	382	80	240	216
Absentee vote	1	–	–	1
Total votes cast	383	80	240	217

Precinct	Prop. C Sec. 408		Prop. D Sec. 412	
	Yes	No	Yes	No
1	38	15	33	14
Consol. 2, 3, 4	75	15	60	24
Consol. 5, 6	46	19	43	20
7	92	30	76	32
8	43	14	36	14
9	37	27	33	28
Total	331	120	231	132
Absentee vote	1	–	1	–
Total votes cast	332	120	282	132

Precinct	Prop. E Sec. 700		Prop. F Sec. 702	
	Yes	No	Yes	No
1	32	21	30	21
Consol. 2, 3, 4	53	36	45	39
Consol. 5, 6	42	23	39	25
7	79	41	70	44
8	40	17	41	14
9	38	29	36	27
Total	284	167	261	170
Absentee vote	–	1	–	1
Total votes cast	284	168	261	171

Precinct	Prop. G Sec. 908 Yes	No	Total votes cast at precincts
1	41	10	53
Consol. 2, 3, 4	69	20	91
Consol. 5, 6	50	15	68
7	99	24	123
8	44	14	59
9	50	17	68
Total	353	100	462
Absentee vote	1	–	1
Total votes cast	354	100	463

CERTIFICATE OF CITY CLERK OF THE CITY OF CERRITOS RELATING TO PUBLICATIONS

State of California
County of Los Angeles } ss.
City of Cerritos

I, Agnes Hickey, City Clerk of the City of Cerritos, do hereby certify that all publications and notices required of the city by Section 8 of Article XI of the Constitution or by the laws of the State in connection with an election to propose or amend a city charter were accomplished in accordance with the laws of the State of California.

I further certify that the foregoing Proof of Publication prepared by the Artesia News is a true and correct copy of the original document filed in my office.

In witness whereof, I have hereunto set my hand and hereto affixed the seal of the City of Cerritos this 28th day of January, 1970.

(SEAL)

AGNES HICKEY
City Clerk of the City of Cerritos, California

PROOF OF PUBLICATION
(2015.5 C.C.P.)

State of California
County of Los Angeles } ss.

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer of the Artesia News, a newspaper of general circulation, printed and published weekly in the City of Artesia, County of Los Angeles, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Los Angeles, State of California, under the date of March 12, 1934, Case Number 369575; that the notice, of which the annexed is a printed

copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following date, to-wit:

November 28, 1969

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

PEGGY PALACIO
Signature
Date November 38, 1969

This space is for the County Clerk's Filing Stamp

Proof of Publication of
City of Cerritos
Resolution No. 69-43

PROOF OF PUBLICATION

Legal Notice

City of Cerritos

Resolution No. 69-43

A Resolution of the City Council of the City of Cerritos, California, Calling and Giving Notice of the Holding of a Special Municipal Election to Be Held in Said City on Tuesday, the 20th Day of January, 1970, for the Submission to the Qualified Electors of Said City of Proposed Amendments to the City Charter.

The City Council of the City of Cerritos does hereby resolve as follows:

Section 1. That the City Council, pursuant to its right and authority so to do, does hereby determine that there shall be and there is hereby called and ordered held in the City of Cerritos, County of Los Angeles, State of California, on Tuesday, the 20th day of January, 1970, a special municipal election for the purpose of submitting to the qualified electors of said City at said special municipal election the following questions, to wit:

Proposition A: Shall Section 401 of the Charter of the City of Cerritos be changed to read as follows: Section 401. Eligibility. No person shall be eligible to hold an elective office unless he is, and shall have been for at least one year immediately preceding his election or appointment, a qualified elector of the City.	YES	
	NO	

Proposition B: Shall Section 402 of the Charter of the City of Cerritos be amended to read as follows: Section 402. Compensation. The members of the City Council shall receive a salary in such amount as the City Council may by ordinance, from time to time approve. The members of the City Council for Council shall receive reimbursement on order of the City Council for Council authorized traveling and other expenses when on official duty. The City Clerk and City Treasurer shall receive compensation for their services in such amount and at such stated times as shall be prescribed by resolution adopted by the City Council.	YES NO	
Proposition C. Shall Section 408 of the Charter of the City of Cerritos be amended to read as follows: Section 408. Special Meetings. Special Meetings may be called at any time by the Mayor, or by three members of the City Council, by delivering personally or by mail, written notice to each member of the City Council and to each local newspaper of general circulation, and radio or television station requesting notice in writing. Such notice shall be delivered personally or by mail at least 24 hours before the time of such meeting as specified in the notice. The notice shall specify the business to be transacted and only such matters may be acted upon as are referred to in such written notice. A Special Meeting may be validly held without the giving of such written notice if all members shall give their consent, in writing, to the holding of such meeting and such consent is on file in the Office of the City Clerk at the time of such meeting. Such waiver may be by telegram. Written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes.	YES NO	

Proposition D: Shall Section 412 of the Charter of the City of Cerritos be amended to read as follows: Section 412. Adoption of Ordinances and Resolutions. With the sole exception of ordinances which take effect upon adoption, referred to in this Article, no ordinance shall be adopted by the City 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. However, an urgency ordinance may be passed immediately upon introduction and either at a regular or special meeting. At the time of its introduction an ordinance shall become 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, the same shall not be finally adopted except at a regular or adjourned regular meeting held not less than five days after the date upon which such ordinance was so altered. The correction of typographical or clerical errors shall not constitute the making of an alteration within the meaning of the foregoing sentence. Unless a different vote is required by other provisions of this Charter, the affirmative votes of at least three members of the City Council 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. Any ordinance declared by the City 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.	YES NO	

Proposition E: Shall Section 700 of the Charter of the City of Cerritos be amended to read as follows: Section 700. In General. Except where specific State law provides the manner in which boards or commissions are to be created, the City Council may create by resolution, such boards or commissions as in its judgment are required and may grant to them such power and duties as are consistent with the provisions of this charter as determined by the City Council.	YES	
	NO	
Proposition F: Shall Sections 702, 703, 704 and 705 of the Charter of the City of Cerritos, regarding the term of office of appointed Commissions and Boards, their meetings, re-organization dates and compensation, be repealed.	YES	
	NO	

Proposition G: Shall Section 908 of the Charter of the City of Cerritos be changed to read as follows: Section 908. Actions Against City. No suit shall be brought on any claim for money or damages against the City or any board or officer thereof until a demand for the same has been presented as herein provided and rejected in whole or in part. If rejected in part, suit may be brought to recover the whole. Except in those cases where a shorter time is otherwise provided by law, all claims for damages against the City must be verified and presented to the City Clerk within the time provided by law, and shall set forth in detail the name and address of the claimant, the time, date, place and circumstances of the occurrence and the extent of the injuries or damages received; all other claims or demands shall be presented within ninety days after the last item of the account or claim occurred. In all cases such claims shall be approved or rejected in writing by order of the City Council and the date thereof given. Failure to complete the action approving or rejecting any claim or demand within sixty days from the day the same is filed with the City Clerk shall be deemed a rejection thereof.	YES NO	

A cross (+) placed in the voting square after the word "YES" in the manner hereinbefore provided shall be counted in favor of the adoption of the question or proposition. A cross (+) placed in the voting square after the word "NO" in the manner hereinbefore provided shall be counted against the adoption of the question or proposition.

Section 2. That the ballots to be used at said election shall be, both as to form and matter contained therein, such as may be required by law to be used thereat.

Section 3. That the City Clerk of said City is hereby authorized, instructed and directed to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct said election.

Section 4. That for the purpose of holding said municipal election, there shall be and are hereby established six (6) voting precincts consisting of the regular election precincts in the City of Cerritos established for the holding of state and county elections, as said regular election precincts exist on the date

of adoption of this resolution; that the polling places for the respective precincts shall be the places hereinafter designated; that the persons hereinafter named, being competent and qualified electors and residents of said City and of their respective voting precincts, are hereby appointed officers of election for their respective voting precincts and they shall hold said election and make return thereof in the manner provided by law.

Voting Precinct 1, comprising regular election precinct 1.
Polling Place: 13219 Rose Avenue.
Inspector: Jan Riddle.
Judge: Mary J. Hutchins.
Clerk: Yolanda Davidson.
Clerk: Betsy A. Fraser.
Voting Precinct 2, comprising regular election precincts 2, 3 and 4.
Polling Place: 17877 Hoffman Avenue.
Inspector: Mildred M. Hendel.
Judge: Jean C. Miskam.
Clerk: Pearl S. Williams.
Clerk: Eleanor L. Shaffer.
Voting Precinct 3, comprising regular election precincts 5 and 6.
Polling Place: 17220 Mapes Avenue.
Inspector: Nellie Versluys.
Judge: Marna Mealy.
Clerk: Shirley Faux.
Clerk: Roberta Feldman.
Voting Precinct 4, comprising regular election precinct 7.
Polling Place: 17900 South Bloomfield Avenue.
Inspector: Nellie Struikmans.
Judge: Sophie Koolhaas.
Clerk: Adriana Idsinga.
Clerk: Julia M. Mussachia.
Voting Precinct 5, comprising regular election precinct 8.
Polling Place: 19607 South Pioneer Boulevard.
Inspector: Roslyn E. Boer.
Judge: Mary L. Kratz.
Clerk: Darlene De Kleer.
Clerk: Betty L. Sterk.
Voting Precinct 6, comprising regular election precinct 9.
Polling Place: 13218 Abana Place.
Inspector: Stella Long.
Judge: Madelynne Jones.
Clerk: Ila M. Williams.
Clerk: Frank W. Williams.

Section 5. That the compensation of the persons hereinabove named as election officers is hereby fixed at the sum of $21.00 for each Inspector and $18.00 for each Judge and Clerk, for said election. The rental for each of such polling places where a charge is made shall be the sum of $18.00 for said

election. When required, the compensation of the Custodian of a building shall be zero Dollars for said election.

Section 6. That the polls for said election shall be open at seven o'clock A. M. of the day of said election and shall remain open continuously from said time until seven o'clock P. M. of the same day, when said polls shall be closed, except as provided in Section 14436 of the Election Code of the State of California.

Section 7. That in all particulars not recited in this Resolution, said election shall be held and conducted as provided by law for holding municipal elections in said City.

Section 8. That notice of the time and place of holding said election is hereby given and the City Clerk is hereby authorized, instructed and directed to give such further or additional notice of said election in time, form and manner as required by law.

Passed, approved and adopted this 19th day of November, 1969.

TONY K. CORDEIRO,
Mayor of the City of Cerritos

Attest: AGNES HICKEY, City Clerk.
255—Nov. 28, 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 Cerritos, 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 of Cerritos, County of Los Angeles.

RESOLUTION CHAPTER 16

Senate Concurrent Resolution No. 17—Relative to continuance of the Joint Committee on Assessment Practices.

[Filed with Secretary of State February 4, 1970.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Joint Committee on Assessment Practices, as created and empowered by Resolution Chapter 251 of the Statutes of 1968 and as duly constituted

thereunder, is hereby continued in existence, with authority to act during this session of the Legislature, including any recess, until the 30th day of June, 1970, and with authority to file its final report not later than the 30th day of June, 1970; and be it further

Resolved, That any unexpended money remaining from the sum made available to such committee from the Contingent Funds of the Assembly and Senate by Resolution Chapter 251 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 17

Senate Concurrent Resolution No. 20—Relative to commending James Francis Cardinal McIntyre.

[Filed with Secretary of State February 5, 1970.]

WHEREAS, James Francis Cardinal McIntyre has served for the past 22 years as Archbishop of Los Angeles, being responsible for the welfare and spiritual guidance of the Roman Catholic population of Los Angeles, Orange, Santa Barbara, and Ventura Counties during the period of phenomenal growth of that area, constituting the greatest migration in American history; and

WHEREAS, During the 20-year period from 1948 to 1968, under the leadership of Cardinal McIntyre, the number of parochial schools in the Archdiocese of Los Angeles has doubled, the number of pupils enrolled in these schools more than tripled, the number of parishes increased by 50 percent, and the number of Catholic hospitals increased from 12 to 18; and

WHEREAS, Cardinal McIntyre, a native of New York City, gave up a promising career on the New York Stock Exchange to serve his church, was ordained a priest in St. Patrick's Cathedral in 1921, was appointed assistant chancellor to Patrick Cardinal Hayes, Archbishop of New York in 1923, and was appointed Chancellor of the Archdiocese of New York in 1935; and

WHEREAS, In 1941 Pope Pius XII elevated him to the position of Auxiliary Bishop of New York, and he was named Coadjutor Archbishop in 1946; on February 7, 1948, he was named Archbishop of Los Angeles; and on January 12, 1953, he became the 12th American cardinal and the first to be named from a See west of St. Louis; and

WHEREAS, Cardinal McIntyre, described as "a human idealist and a divine realist," has dedicated the past 22 years of his life to the service of the more than 1,600,000 Roman Catholics in Los Angeles, Orange, Santa Barbara, and Ventura Counties, helping to meet their physical needs through church-operated hospitals and other charitable programs and services, their mental needs through a fast-growing parochial school

system, and their spiritual needs by standing firm as a bulwark of orthodoxy during a period of trouble and doubt for many members of his church; and

WHEREAS, His deep concern for the education and welfare of the less advantaged has been demonstrated by his establishment of the Youth Education Fund, which built 17 schools in the impoverished areas of East and South Los Angeles, and his organization in cooperation with the Los Angeles Urban League of the Archdiocese Job Finding Bureau to assist in obtaining work for members of minorities; and

WHEREAS, Cardinal McIntyre has recently announced his retirement as Archbishop of Los Angeles, to be succeeded by Archbishop Timothy Manning; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Members commend James Francis Cardinal McIntyre on the occasion of his retirement as Archbishop of Los Angeles, on his many public spirited contributions to the people of this state, and extend to him their sincerest wishes for many happy future years; and be it further

Resolved, That the Secretary of the Senate transmit a suitably prepared copy of this resolution to James Francis Cardinal McIntyre.

RESOLUTION CHAPTER 18

Assembly Concurrent Resolution No. 15—Relative to Industrial Education Week.

[Filed with Secretary of State February 9, 1970.]

WHEREAS, Industrial education in the California public schools includes industrial arts, vocational trades and industry, technical, and health occupation programs, and is designed to educate youth and adults of our country to become useful citizens and productive skilled workers in business, industry, health services, and technical occupations; and

WHEREAS, Industrial education has made a major contribution to the economic and general well-being of many individuals as well as to the economic development of our state and nation; and

WHEREAS, Industrial education has contributed substantially to meeting the needs for citizenship and for trained manpower in this state; and

WHEREAS, With full cooperation and support of business, industry, labor, management, and the California educational system, industrial education has played a significant role in the California public schools for over half a century; 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, More than 25,000 apprentices are presently enrolled in related instruction classes in California public schools; and

WHEREAS, Local school districts in California have financially and philosophically supported and expanded programs of industrial education to provide for broader occupational experiences in business, industry, labor, and public services; and

WHEREAS, The California Association of Vocational Industrial Clubs serves as a state organization whose purpose is to serve industrial oriented youth in this state; and

WHEREAS, Industrial education will continue to provide leadership in developing better citizens and more trained manpower to meet the needs of our changing technology; and

WHEREAS, The Bureau of Industrial Education, State Department of Education, is holding its 32nd Annual Conference on Industrial Education in San Diego from March 4 through March 6, 1970; and

WHEREAS, The California Industrial Education Association is holding its 41st annual state convention in San Diego on March 6 and 7, 1970; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature affirms its support for the objectives of industrial education; and be it further

Resolved, That the Governor is respectfully requested to proclaim the week beginning March 1, 1970, as the Industrial Education Week; 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 to the Superintendent of Public Instruction, the State Director of Vocational Education, the Bureau of Industrial Education, and the California Apprenticeship Council.

RESOLUTION CHAPTER 19

Assembly Concurrent Resolution No. 16—Relative to proclaiming Square Dance Week.

[Filed with Secretary of State February 9, 1970.]

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 6, 1970, 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 20

Assembly Concurrent Resolution No. 17—Relative to School Nurse Recognition Week.

[Filed with Secretary of State February 9, 1970.]

WHEREAS, The school nurses of California have contributed immeasurably to the processes which aid in the physical and moral development of our youth; and

WHEREAS, The importance of the services of these dedicated public servants who provide medical care in our schools should be emphatically emphasized; and

WHEREAS, The California School Nurses Organization will hold its 20th annual conference in Sacramento on February 6, 7 and 8 of this 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 February 8 through 14 as School Nurse Recognition 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 California.

RESOLUTION CHAPTER 21

Assembly Concurrent Resolution No. 18—Relative to Columbian Squires Week.

[Filed with Secretary of State February 9, 1970.]

WHEREAS, The Columbian Squires is a national fraternal organization of Catholic boys between the ages of 13 and 18, sponsored by the 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 3 to 9, 1970, 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 22

Assembly Concurrent Resolution No. 19—Relative to proclaiming the week of February 22–28, 1970, as National Engineers' Week.

[Filed with Secretary of State February 9, 1970.]

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 22nd to 28th 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 23

Assembly Concurrent Resolution No. 3—Relative to the planting of a Sequoia sempervirens in Capitol Park in memory of Alan G. Pattee.

[Filed with Secretary of State February 11, 1970.]

WHEREAS, The planting of a noble Sequoia sempervirens in Capitol Park would be a fitting tribute to the memory of the distinguished legislator and public servant, Alan G. Pattee; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members request the Department of General Services to plant a Sequoia sempervirens in Capitol Park in memory of Alan G. Pattee; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of General Services.

RESOLUTION CHAPTER 24

Assembly Joint Resolution No. 2—Relative to state regulation of offshore oil and gas development operations.

[Filed with Secretary of State February 13, 1970.]

WHEREAS, The recent Santa Barbara oil disaster provided an unforgettable example of the terrible destruction an offshore oil leak can cause to the marine environment anywhere along the California coast; and

WHEREAS, All new offshore oil wells are more than three miles offshore and therefore are not subject to strict California drilling regulations which might prevent such spillage; and

WHEREAS, The federal government recently established a precedent in the field of environmental protection by allowing California to establish stricter automotive exhaust standards than existing federal standards; 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 Secretary of the Interior to allow California to control and apply stricter state regulations to all oil and gas drilling in federal waters more than three miles off the coast of California; and be it further

Resolved, That with respect to oil and gas drilling on federal tidelands in the Santa Barbara Channel, the Legislature respectfully memorializes the federal government to act immediately to halt such drilling permanently; 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 each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 25

Assembly Concurrent Resolution No. 44—Relative to Olympic Training and Medical Research Center.

[Filed with Secretary of State February 16, 1970.]

WHEREAS, It is recognized by hundreds of this country's leading amateur athletes, coaches, doctors, and others, that there is a need for the establishment of a permanent, national all-sports training center; and

WHEREAS, Virtually all major nations throughout the world presently have national training centers, except the United States; and

WHEREAS, Such a facility would provide a place for development of international individuals and teams, present and future; and

WHEREAS, Such a facility would provide an opportunity for youth, dedicated to the international Olympic ideals, to acquire expert instruction, training, and physical fitness; and

WHEREAS, The community of South Lake Tahoe, California, has taken a leading role through experience of hosting the training of four United States Olympic teams, and hosting Governor Ronald Reagan's first Neighborhood Olympics; and

WHEREAS, South Lake Tahoe has been selected as the site of the 1970 National Men's Decathlon and National Women's Pentathlon-Triathlon events; and

WHEREAS, South Lake Tahoe has taken a leading role, through community action, to arouse the national interest in the need for such a facility; and

WHEREAS, South Lake Tahoe's unique location, climate, and physical characteristics make it the ideal site for such a training and medical research center; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members urge the United States Olympic Board of Directors to immediately initiate an active program to provide such a facility; and be it further

Resolved, That South Lake Tahoe be selected as the site for such a facility; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to the United States Olympic Committee Board of Directors.

RESOLUTION CHAPTER 26

Assembly Concurrent Resolution No. 60—Relative to the death of the Honorable Glenard P. Lipscomb, Representative in Congress.

[Filed with Secretary of State February 16, 1970]

WHEREAS, The members have learned with great sorrow of the death of a close friend and honored statesman, Congressman Glenard P. Lipscomb; and

WHEREAS, Representative Lipscomb, a firm supporter of a strong national defense, was universally respected for tireless efforts as ranking Republican on the Defense Appropriations Subcommittee, an assignment he fulfilled with dignity and dedication; and

WHEREAS, He cosponsored various important measures passed by Congress embodying Hoover Commission recommendations to improve government budgeting and accounting, as well as legislation strengthening the Export Control Act, and introduced bills in many significant fields, including education, health, water, taxation, government operations, and congressional fiscal controls; and

WHEREAS, He first came to Washington, D.C., from the 24th District in the San Gabriel Valley as a result of a special election in 1953 and was returned to the Capitol by the voters eight consecutive times thereafter; and

WHEREAS, An accountant by profession, Representative Lipscomb was a senior partner in a well-known Los Angeles accountancy firm prior to seeking public office and served six distinguished years in the California Assembly before going to Congress; and

WHEREAS, He was born in Jackson, Michigan, in 1915, and came to California with his parents in 1920, where he went to Los Angeles city schools and attended the University of Southern California and Woodbury College, and he served in the Army Finance Corps during World War II; and

WHEREAS, In addition to his public service in the California Assembly and the House of Representatives, Representative Lipscomb was an active member of numerous community service groups and professional organizations, including the Kiwanis International, Elks, Masons, American Legion, Atwater Park Baptist Church, Society of California Accountants and National Society of Public Accountants; and

WHEREAS, He is survived by his wife, Virginia; his two daughters, Mrs. Louis Grasso and Mrs. Robert Murrell; five grandchildren; and his brother, Robert Lipscomb; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members express their deepest sorrow and regret upon the loss of a great and distinguished colleague and a dedicated servant of the people, the Honorable Glenard P. Lipscomb, and extend their sincere condolences to his family and many friends.

RESOLUTION CHAPTER 27

Assembly Concurrent Resolution No. 54—Approving amendments to the Charter of the City of Sacramento, County of Sacramento, State of California, ratified by the qualified electors of the city at a regular municipal election held therein on the fourth day of November, 1969.

[Filed with Secretary of State February 18, 1970.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of amendments to the Charter of the City of Sacramento, a municipal corporation in the County of Sacramento, 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 SACRAMENTO OF CERTAIN CHARTER AMENDMENTS

State of California
County of Sacramento } ss
City of Sacramento

We, the undersigned, Richard H. Marriott, Mayor of the City of Sacramento, State of California, and Elmer C. Cleveland, City Clerk of said City, do hereby certify and declare as follows:

That the City of Sacramento, a municipal corporation of the County of Sacramento, State of California, now is, and was at all times herein mentioned, a City having a population of more than 50,000 inhabitants and has been, ever since the year 1921, organized, existing, and acting 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 majority of the qualified electors of said City at a Special Municipal Election held for that purpose on the 30th day of November, 1920, and approved by the Legislature of the State of California on January 24, 1921. (Statutes of 1921, page 1919).

That in accordance with the provisions of Article XI of Section 8 of the Constitution of the State of California, the City Council of the City of Sacramento, being the legislative body thereof, on its own motion duly and regularly submitted to the qualified electors of the City of Sacramento two propositions for the amendment of the Charter of the City of Sacramento at the regular municipal election held within the City on November 4, 1969. That said propositions were designated as "Measure B, relating to Letting of Contracts," and "Measure C, Relating to Awarding of Contracts."

In accordance with the provisions of Section 8 of Article XI, of the Constitution of the State of California, and the Charter of the City of Sacramento, the said proposed amendments were

published and advertised in full, on September 22, 1969, in the Sacramento Union, a daily newspaper of general circulation, printed and published in the City of Sacramento, the official newspaper of said City of Sacramento. The foregoing is shown by the affidavit of publication attached and on file in the office of the City Clerk.

The copies of said proposed amendments were printed in convenient pamphlet form and in type not less than 10-point as required by law, and copies thereof were mailed to each of the qualified electors of said City of Sacramento within the time and manner required by law.

And until the date of the Regular Municipal Election, November 4, 1969, as hereinafter set forth, there was published in said Sacramento Union an advertisement stating that copies of said proposed charter amendments could be had, upon application therefor, at the office of the City Clerk of said City of Sacramento.

That copies of said pamphlet containing said proposed amendments could be had upon application therefor at the office of the City Clerk of said City at all times, to and including November 4, 1969, the date of said regular election, all as required by said Section 8 of Article XI of the Constitution of the State of California.

That in accordance with the provisions of the Charter of the City of Sacramento, and in the manner provided by law, the said regular municipal election was duly and regularly held in said City on November 4, 1969, after due notice was given and published on September 22, 1969, which said last aforementioned day was not less than forty (40) nor more than sixty (60) days after the completion of the publication and advertisement of the aforementioned proposed amendment in the Sacramento Union, the official newspaper of said City of Sacramento. That at said election, a majority of the qualified electors voting upon the proposed charter amendment voted in favor of Measure B (Relating to Letting of Contracts) and in favor of Measure C (Relating to Bidding and Awarding of Contracts) and ratified the same.

That thereafter the Board of Supervisors of Sacramento County, through the County Clerk, did in the manner provided by law, duly and regularly cause the canvass of the returns of said election and report the results thereof to the City Council. That the City Council did adopt a resolution approving the results of the canvass of the returns of said election, and did also by said resolution, find, determine and declare that certain proposed amendment designated as Measure B (Relating to Letting of Contracts) and that certain proposed amendment designated as Measure C (Bidding for and Awarding of Contracts) to the Charter of the City of Sacramento, as hereinafter set forth, were ratified by a majority vote of the electors of said City voting thereon.

That as to said amendments to the Charter of Sacramento, this certificate shall be taken as a full and complete certifi-

cation as to the regularity of all proceedings had and done in connection therewith.

That the said amendments to the Charter of the City of Sacramento so ratified by the qualified electors of said City are as follows:

Measure B

To amend Section 251 of Article XXIV of the Charter of the City of Sacramento, to read as follows:

Sec. 251. Letting of Certain Contracts.

The erection, improvement and repair of all public buildings and works, all street and sewer work (not payable by special assessment on the private property benefited) and all work in or about streams or water fronts, or in or about embankments or other works for protection against overflow or erosion, and the furnishing of supplies and material for the same, or for any other use by the City or the purchase of any supplies to be used by the City, when the expenditure required for the same equals or exceeds the sum of five thousand dollars ($5,000.00), shall be done by contract in writing and shall be let to the lowest responsible bidder after advertising for four consecutive days in the official newspaper for sealed proposals for the work contemplated or supplies to be furnished, except in cases of emergency as hereinafter provided. Such notice shall distinctly and specifically state the work contemplated or supplies to be furnished; provided, however, the Council may reject any and all bids if deemed excessive, and in that event, or in the event that no bids are made, may re-advertise for bids, or provide for the work to be done by the City or for the supplies to be purchased in the open market, but in no case shall supplies be bought at a price as high as the lowest bid received from a responsible bidder. No prison-made supplies shall be purchased by the City unless supplies of a similar character are not obtainable elsewhere. Notwithstanding any of the provisions of this Charter, it shall be competent for the City Council, by ordinance, to authorize the purchase from the United States Government, or any agency, department or officer thereof, of any property by the City without first advertising for bids. Further, notwithstanding the provisions of this section it shall be competent for the City Council, by resolution or ordinance, to direct any work to be done or purchases to be made by the City without first advertising for bids, if such course be recommended by the City Manager.

Measure C

To amend Section 258, of Article XXIV of the Charter of the City of Sacramento to read as follows:

Sec. 258. Bidding for and Awarding of Contracts.

On the day and within the time specified in said notice inviting sealed proposals, all bids must be filed with the City

Clerk, who shall not open or tamper with them or permit the same to be opened or tampered with or inspected by any person whatsoever or permit the same to leave his possession or give any information whatsoever relative thereto until the same shall be opened and read to the Council as hereinafter provided. No bid not so delivered to the City Clerk shall be considered. Each bid as it is received shall be numbered and marked "Filed" by the City Clerk and authenticated by his signature. During the meeting on said date, the Council shall, in open session, open, examine and publicly declare the bids and an abstract of each bid shall be recorded in the minutes of the Council by the City Clerk.

At any time after being received and before acceptance, the Council may authorize the City Manager in his discretion to order the return of all bid deposits, except two, on any one bidding proposition. The Council shall at any time thereafter award the contract to the lowest and best regular responsible bidder, unless otherwise in this Charter provided. Notice of such award shall forthwith be posted conspicuously for five days by the City Clerk on a bulletin board at or near the assembly room of the Council. The Council may reject the bid of any party who has been delinquent or unfaithful in any former contract with the City and all bids other than the lowest and best regular bid and, on accepting such lowest and best bid, shall thereupon return to the proper party the checks accompanying the bids so rejected. If all the bids are rejected, the Council shall return all the checks to the proper parties and may again invite sealed proposals as in the first instance. The check accompanying the accepted bid shall be delivered by the City Clerk to the City Controller, who shall immediately cash the same and pay the proceeds thereof into the special deposit fund of the City.

When the contract for doing said work or furnishing said supplies has been duly entered into and the bond accompanying the same has been duly approved and filed, the City Clerk shall certify said facts by voucher to the City Controller who shall draw his warrant upon the special deposit fund for the return to the contractor of the proceeds of said check. If the bidder fails or refuses to enter into the contract to do said work or furnish said supplies or to furnish the required bond, then the proceeds of said certified check shall be forfeited to the City and shall be thereupon transferred from said special deposit fund to the general fund. The Council shall not have the power to relieve from or to remit such forfeiture.

We further certify that we have compared the foregoing ratified amendments to the Charter of the City of Sacramento with the original proposals submitted to the electors of said City, and find that the foregoing is a full, true, and correct and exact copy of each such amendment.

In witness whereof, we have hereunto set our hands and caused the Seal of said City of Sacramento to be affixed hereto on

(SEAL)

RICHARD H. MARRIOTT
Mayor City of Sacramento
ELMER C. CLEVELAND
City Clerk

Approved as to form:
JAMES P. JACKSON
City Attorney

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 Sacramento, County of Sacramento, 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 Sacramento, County of Sacramento.

RESOLUTION CHAPTER 28

Senate Concurrent Resolution No. 18—Relative to the observance of California Congressional Cup Week.

[Filed with Secretary of State February 18, 1970.]

WHEREAS, It has come to the attention of the Members of the Senate and the Assembly that the sixth annual Congressional Cup sailboat race will be held in the coastal waters off the shores of Long Beach from March 19 through March 22, 1970; and

WHEREAS, The Congressional Cup has been recognized by the Congress of the United States, has 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 19, 1970, 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 29

Senate Joint Resolution No. 2—Relative to gas and oil drilling.

[Filed with Secretary of State February 24, 1970.]

WHEREAS, The recent Santa Barbara oil disaster provided an unforgettable example of the terrible destruction an offshore oil leak can cause to the marine environment anywhere along the California coast; and

WHEREAS, All new offshore oil wells are more than three miles offshore and therefore are not subject to strict California drilling regulations which might prevent such spillage; and

WHEREAS, The federal government recently established a precedent in the field of environmental protection by allowing California to establish stricter automotive exhaust standards than existing federal standards; and

WHEREAS, The State Lands Commission has imposed a moratorium on further gas and oil drilling operations and leasing of state tidelands and submerged lands for any such operation in state waters in the Santa Barbara Channel; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California hereby endorses the moratorium imposed by the State Lands Commission on drilling operations on state tide and submerged lands in the Santa Barbara Channel and commends the commission for such action; and be it further

Resolved, That the Legislature of the State of California respectfully memorializes the President, the Congress of the United States, and the Secretary of the Interior to allow California to control and apply stricter state regulations to all oil and gas drilling in federal waters more than three miles off the coast of California; and be it further

Resolved, That with respect to oil and gas drilling on federal tidelands in the Santa Barbara Channel, the Legislature respectfully memorializes the federal government to act immediately to halt such drilling permanently; 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 Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 30

Assembly Joint Resolution No. 1—Relative to the Emergency Detention Act of 1950.

[Filed with Secretary of State February 25, 1970.]

WHEREAS, During World War II, American citizens of Japanese ancestry experienced firsthand the deprivation of their freedom through involuntary evacuation and placement in detention camps; and

WHEREAS, More than 100,000 human beings, as a result of this detention, suffered gravely through the total denial of human rights and disregard of principles of constitutional safeguards for individual liberty; and

WHEREAS, Americans of all nationalities regret that sad and tragic part of their history; and

WHEREAS, The same danger exists today due to the existence of Subchapter II of the Subversive Activities Control Act of 1950, otherwise known as the Emergency Detention Act of 1950, which provides that upon the declaration by the President of a state of "internal security emergency," the President, through the Attorney General, "may apprehend and by order detain . . . each person as to whom there is reasonable ground to believe that such person probably will engage in, or probably will conspire with others to engage in, acts of sabotage or espionage"; and

WHEREAS, A person who is detained under the Emergency Detention Act of 1950 is denied his rights to trial under law and is further denied those civil rights and liberties which are guaranteed to him under the Constitution; and

WHEREAS, There exist more meaningful, just, and effective laws and procedures to safeguard internal security; 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 Subchapter II of the Subversive Activities Control Act of 1950, otherwise known as the Emergency Detention Act of 1950; 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 31

Senate Concurrent Resolution No. 10—Relative to Schoolbus Safety Week.

[Filed with Secretary of State February 25, 1970.]

WHEREAS, Schoolbus Safety Week will be observed nationwide during the week of April 20 through April 25, 1970; 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, Schoolbuses transport over 19.5 million students yearly, and it has been determined that a schoolbus ride is the safest ride you can take; 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 25, 1970, 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 three suitably prepared copies of this resolution to Mr. Richard E. Fischer, State Chairman of Schoolbus Safety Week.

RESOLUTION CHAPTER 32

Senate Concurrent Resolution No. 15—Relative to observance of Arbor Day.

[Filed with Secretary of State February 25, 1970]

WHEREAS, As early as 1909 the Legislature envisioned the probability of an ecological degradation of a magnitude requiring remedial action; and

WHEREAS, To provide the people of the State of California with an awareness and appreciation of the possible problem, the 1909 Legislature enacted legislation designating March 7th of each year, the anniversary of the birthday of Luther Burbank, as Bird and Arbor Day, and then in 1939 the Legislature reaffirmed its position and provided that March 7 of each year and thenceforth is to be Conservation, Bird and Arbor Day and continued to direct all public schools to observe the day by suitable exercises having for their object instruction on the economic value of birds and trees, and the promotion of a spirit of protection toward them; and

WHEREAS, Conservation by its very nature is the preservation of the lifeline of mankind, thereby enabling society to engage in industrial tasks; and

WHEREAS, Due to the vastness of industrialization and the smothering of the environment through technological advancements without regard to the effect on nature, man has begun to advance to a fatal destiny; and

WHEREAS, True appreciation of nature and its attributes begins with children who enjoy and glorify nature to the fullest extent; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members request that the public school districts strictly comply with the dictates of Section 5205 of the Education Code relating to the observance of Arbor Day, with each school stressing the conservation of the natural resources of the area in which it is located; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the State Superintendent of Public Instruction and to each county superintendent of schools for distribution to each school district within his county.

RESOLUTION CHAPTER 33

Senate Concurrent Resolution No. 16—Relative to National Arthritis Month.

[Filed with Secretary of State February 25, 1970]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Members endorse the observance of National Arthritis Month and urge the Governor to designate the month of May 1970 as "Arthritis Month in California"; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Governor.

RESOLUTION CHAPTER 34

Senate Concurrent Resolution No. 21—Relative to the Joint Committee on Reorganization of Large Urban School Districts.

[Filed with Secretary of State February 25, 1970]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Joint Committee on Reorganization of Large Urban School Districts, as created and empowered by Resolution Chapter 290 of the Statutes of 1969 and as duly constituted thereunder, is hereby continued in existence, with authority to act during this session of the Legislature, including any recess, until the 30th day of June, 1970, and with authority to file its final report not later than the 30th day of June, 1970; and be it further

Resolved, That any unexpended money remaining from the sum made available to such committee from the Contingent Funds of the Assembly and Senate by Resolution Chapter 290

of the Statutes of 1969 is hereby made available to the committee for the same purposes on the same terms and conditions as heretofore; and be it further

Resolved, That the sum of fifty thousand dollars ($50,000), 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 Committee on Reorganization of Large Urban School Districts 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 35

Senate Concurrent Resolution No. 27—Relative to commending Clyde V. Kane.

[Filed with Secretary of State February 25, 1970]

WHEREAS, The members have learned with regret of the retirement of Clyde V. Kane, district engineer for the State Division of Highways, on January 30, 1970; and

WHEREAS, Mr. Kane, a native of Albuquerque, New Mexico, moved to California in 1912 and was awarded a degree in civil engineering by the University of California at Berkeley in 1927; and

WHEREAS, Mr. Kane first joined the California Division of Highways as a draftsman in 1928 and worked his way up through the ranks to his present position, having been district engineer since 1953; and

WHEREAS, His career spans the advent and completion of many hundreds of miles of freeway in the San Bernardino area and his familiarity with almost every mile of the district has enabled Mr. Kane to guide to completion the many major freeway routes providing access to the area, while administering the expenditure of hundreds of millions of dollars; and

WHEREAS, Mr Kane's experienced leadership, guidance and cooperation will be sorely missed, not only by those under his immediate supervision but also by the officials in various government agencies, members of the public and legislators with whom he has dealt; and

WHEREAS, A World War II volunteer in 1942–43, Mr. Kane was in charge of military construction forces that built a substantial portion of the Pan American Highway through Central America, and later he was responsible for construction and maintenance of segments of the Ledo Road and allied airstrips in Burma; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring That the members commend Clyde V. Kane on his outstanding record of devoted public service

and extend their best wishes to Mr. Kane and his lovely wife Geneva; and, be it further

Resolved, That the Secretary of the Senate transmit a suitably prepared copy of this resolution to Clyde V. Kane.

RESOLUTION CHAPTER 36

Senate Concurrent Resolution No. 31—Relative to the death of Neil J. Callahan.

[Filed with Secretary of State February 25, 1970.]

WHEREAS, The Members of the Senate and Assembly have learned with deep sorrow of the death of Neil J. Callahan, public affairs representative for Pacific Telephone and Telegraph Company and noted community leader and statesman; and

WHEREAS, A native of Ely, Nevada, he graduated from the University of San Francisco in 1935 and later took postgraduate work at the University of Chicago, thereafter serving as a captain in the U S. Air Force during World War II; and

WHEREAS, He gained his first position with Pacific Telephone and Telegraph Company in San Jose in 1942 and held assignments in Sacramento, Redding and San Francisco before being appointed as district commercial manager in Sunnyvale in 1958, thereafter being appointed as public affairs general representative in 1964; and

WHEREAS, He served the community in various capacities including the post of foreman pro tem of the Santa Clara County Grand Jury in 1962; member of the Selective Service Local Board 62; past president of the Sunnyvale Rotary Club; 1961–62 president of the Sunnyvale Chamber of Commerce; past president of the Santa Clara County United Fund; general chairman of the 1964 County Bonds Committee; and chairman of the 1967 Multiple Sclerosis Campaign; and

WHEREAS, He was active in Democratic Party work, highlighted by his involvement in President Johnson's reelection campaign in 1964, and by his selection as alternate delegate to the 1968 National Democratic Convention in Chicago; and

WHEREAS, A public-spirited and civic-minded citizen, he was extremely active in community affairs, and his superlative ability, constant attention to work, high concern for the rights of other citizens, and engaging personality won him the praise and admiration of the entire community; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members express their deep regret at the passing of Neil J. Callahan and extend their sincere condolences to his family and many friends; and be it further

Resolved, That the Secretary of the Senate transmit a suitably prepared copy of this resolution to his widow, Mrs.

Helene T. Callahan, their daughters, Miss Michele Callahan and Mrs. Peter Castellanos, and his mother, Mrs. Sophia Callahan.

RESOLUTION CHAPTER 37

Assembly Concurrent Resolution No. 52—Relative to the Joint Committee on Open Space Lands.

[Filed with Secretary of State March 2, 1970.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That, notwithstanding the provisions of Assembly Concurrent Resolution No 60 (Resolution Chapter 258) of the 1968 Regular Session, the Joint Committee on Open Space Lands shall not cease to exist on the 30th legislative day of the 1970 Regular Session; and be it further

Resolved, That the Joint Committee on Open Space Lands shall continue in existence until June 30, 1970, with authority to expend any funds heretofore or hereafter made available to it.

RESOLUTION CHAPTER 38

Senate Concurrent Resolution No. 28—Relative to commending Supervisor Daniel D. Mikesell.

[Filed with Secretary of State March 5, 1970.]

WHEREAS, Daniel D. Mikesell, present Vice Chairman and immediate past Chairman of the San Bernardino County Board of Supervisors, has successfully completed a term as president of the Southern California Association of Governments; and

WHEREAS, Among his countless activities and services to his community, in addition to his duties as president of the Southern California Association of Governments, encompassing 106 cities and 6 counties; he has served as: chairman of the National Association of County Officials, Aviation Steering Committee; chairman of the County Supervisors Association of California, Aviation Committee; chairman of the Southern California Association of Governments, Aviation Committee; chairman of the State Aeronautics Board, Advisory Committee on Noise Standards; chairman of the State Department of Transportation, Advisory Committee on Flexible Transportation Systems; vice chairman of the County Supervisors Association of California, Public Works and Transportation Committee; charter vice president of the West Valley Planning Agency; director of the Transportation Association of Southern California; and director of the County Supervisors Association of California; and

WHEREAS, He also is an active member of the Federal Aviation Agency, Airspace Utilization Committee; the California

Airport Executives; the American Association of Airport Executives; the State Aeronautics Board, Advisory Committee on State Master Plan of Airports; the State Department of Transportation, Advisory Committee; the California State Chamber of Commerce, Highway Committee; the County Supervisors Association of California, Highway Committee; the Flournoy Committee on Tax Collection Procedures; the State Supervisors Tax Committee; and the Los Angeles Chamber of Commerce Advisory Council, Industrial Committee; and

WHEREAS, A 12-year veteran of the San Bernardino County Board of Supervisors, and former Mayor and City Councilman of the City of Ontario, Mr. Mikesell is one of California's leading experts on aviation and highways, having served as vice president and member of the Southern California Aviation Council, Inc.; chairman of the Southern California Regional Association of County Supervisors, Aviation Committee; president of the Ontario Airport Commission; president of the San Bernardino Chapter, Air Force Association; a member of Senator Randolph Collier's Citizens Committee on Aviation; charter vice president and member of Friends of Ontario Airport; a member of the League of California Cities, Transportation Committee; a coordinator for the Southern California Inter-County Plan of Highways; and a member of the National Committee on Traffic Laws and Ordinances; and

WHEREAS, In his illustrious career of public service, he has also been president of the West End Fish and Game Association; charter vice president of the California Wildlife Association; President of the Inland County of Conservation Clubs; a charter member of the Ten County Park and Recreation Committee; a member of the County Supervisor Association of California, Fish and Game Committee; a charter member of the Feather River Water Project Association; a member of the County Supervisors Association of California, Water Resources Committee; chairman of the Chino Basin Water District Outfall Wasteline Committee; director of the Old Baldy Council Boy Scouts of America; charter president of the Chaffey Booster Club; member of the Board of Governors, National Orange Show; director of the Death Valley 49ers; and member of E Clampus Vitus; and

WHEREAS, He was responsible for initiating the Southern California Aviation Study, the voluntary adoption of uniform air pollution control rules and regulations, the first coordinated meeting of state, federal, regional and local agencies in the field of recreation, the 6 County Master Plan of Highways, and the award-winning West Valley Planning Agency; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members heartily commend Daniel D. Mikesell for his numerous, significant contri-

butions to the government and betterment of California; and be it further

Resolved, That the Secretary of the Senate transmit a suitably prepared copy of this resolution to Daniel D. Mikesell.

RESOLUTION CHAPTER 39

Senate Concurrent Resolution No. 29—Relative to the retirement of Judge Carl Burton Hilliard.

[Filed with Secretary of State March 5, 1970.]

WHEREAS, The Members of the Legislature of the State of California have learned of the retirement of Judge Carl Burton Hilliard on January 31, 1970, after nearly 21 years of distinguished judicial service; and

WHEREAS, During his long and eminent career he served as Presiding Judge of San Bernardino County Superior Courts in 1952, 1957, and 1962, as a member of the appellate department of the court continuously since 1952, Presiding Judge of the Ontario Departments of the San Bernardino County Superior Courts in 1966 and 1968, and in 1969 served as Associate Justice pro Tem., Court of Appeals, Fourth District, Division Two; and

WHEREAS, Throughout his long service on the bench he was a fair and capable jurist and earned the respect and admiration of the people of his county and our state; and

WHEREAS, He has been quite active in, and contributed greatly to, numerous civic and community organizations, having been a member of the Ontario Rotary Club, the Elks Club, the associate board of directors of the San Antonio Community Hospital, the board of directors of the Salvation Army, the executive screening committee of the United Fund of San Bernardino, and the Regional Comprehensive Planning Effort of the California Council on Criminal Justice; and

WHEREAS, He is also former director, secretary, and president of the San Bernardino County Bar Association, former president of the San Bernardino Rotary Club, and former chairman of the American Cancer Society of San Bernardino; and

WHEREAS, He and his wife, Clara, have a son, Carl, who is a practicing attorney in Santa Ana, and a daughter, Judith, who is a housewife in Ontario; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members commend Judge Carl Burton Hilliard for his outstanding public service and extend their best wishes to him; and be it further

Resolved, That the Secretary of the Senate transmit a suitably prepared copy of this resolution to Judge Carl Burton Hilliard.

RESOLUTION CHAPTER 40

Senate Joint Resolution No. 4—Relative to marine sanctuaries.

[Filed with Secretary of State March 6, 1970.]

WHEREAS, The California Legislature, during the 1955 General Session, enacted a bill creating the Santa Barbara Oil Sanctuary in tidelands adjacent to the City of Santa Barbara; and

WHEREAS, The Legislature has subsequently caused similar sanctuaries to be created in which leasing of state-owned tidelands for oil and gas development is prohibited or controlled; and

WHEREAS, These sanctuaries and the coastal lands adjacent to them will be in serious jeopardy of pollution of disastrous proportions, such as occurred in the Santa Barbara Channel, if leases are granted for oil, gas, or other minerals exploration and exploitation in federal submerged lands oceanward of the existing state sanctuaries; and

WHEREAS, The President's panel on oil spills, the Dubridge Panel, stated, "as a general practice it would seem advisable that the federal standards for safety and possible evironmental damage should be at least as strict as the standards in the state whose waters are contiguous to the federal waters"; and

WHEREAS, After due and careful consideration of the public interest, legislation was introduced in the United States Senate, 91st Congress, which would create marine sanctuaries from leasing pursuant to the Outer Continental Shelf Lands Act in areas off the coast of California adjacent to state-owned submerged lands when California suspends leasing of such submerged lands for mineral purposes; and

WHEREAS, Legislation was introduced in the House of Representatives, 91st Congress, which provides, in general, that when California notifies the Secretary of the Interior that it has enacted a law that provides that leases will not be issued by it for the exploration or extraction of oil, gas, or any other mineral in specified areas of the coastline of California, the secretary shall suspend, for the duration of such state law, any further leases, pursuant to the Outer Continental Shelf Lands Act, for the exploration or extraction of any such minerals seaward of any such state areas; and

WHEREAS, The subject will be heard by the Subcommittee on Oil, Gas, and Minerals of the Committee on Interior and Insular Affairs on March 13, 1970, and March 14, 1970, in Santa Barbara, California; and the Legislature of this state strongly urges action in this area; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to support and enact the legislation that provides for creation of marine sanctuaries in federal submerged lands off the coast of California adjacent to marine

sanctuaries that are in state-owned submerged lands; 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 41

Senate Concurrent Resolution No. 36—Relative to memorializing James B. Utt.

[Filed with Secretary of State March 13, 1970.]

WHEREAS, The Members of the Legislature have learned with great sorrow of the death on March 1, 1970, of Congressman James B. Utt; and

WHEREAS, The Honorable James B. Utt was born in Tustin, Orange County, on March 11, 1899, and attended Tustin and Santa Ana public schools, and the University of Southern California; and

WHEREAS, He began his long and distinguished political career in 1932 when he was elected to the California State Assembly and he was reelected in 1934; and

WHEREAS, He also served as inheritance tax appraiser in the State Controller's office for 16 years; and

WHEREAS, The Honorable James B. Utt was first elected to Congress in 1952 and has been reelected to all subsequent Congresses and was serving his ninth term; and

WHEREAS, He served with distinction on various congressional committees including the House Ways and Means Committee; and

WHEREAS, In addition to being a practicing attorney in Santa Ana, he was engaged in the production of citrus fruits and agricultural products most of his lifetime; and

WHEREAS, He was active in numerous civic and community activities, including Knights of Pythias, Elks, Orange County Shrine Club, Izaak Walton League, Native Sons of the Golden West, Lions Club; and

WHEREAS, He rendered service of great value to the people of this state and the nation as well; and

WHEREAS, He is survived by his widow and a son, James; 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 James B. Utt, and extend their sincere 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 his widow and son.

RESOLUTION CHAPTER 42

Assembly Concurrent Resolution No. 73—Relative to commending Bill MacDougall on his retirement as General Counsel and Manager of the County Supervisors Association of California.

[Filed with Secretary of State March 16, 1970.]

WHEREAS, The members have learned that Bill MacDougall, "Mr. California Counties," will retire as General Counsel and Manager of the County Supervisors Association of California in order to accept an appointment as Executive Director of the Federal Advisory Commission on Intergovernmental Relations; and

WHEREAS, Bill MacDougall, son of a hardrock goldminer immigrant from Nova Scotia, was born May 14, 1914, in Nevada City, California, and graduated from Sacramento High School and from Sacramento City College; and

WHEREAS, His working career began at the depths of the Great Depression and at the bottom of California's state civil service system—as a $65-per-month page in the State Library, but in swift succession he worked his way up as an account clerk for the State's Emergency Relief Association and as assistant disbursing officer for the State Controller's relief disbursing office, rising to senior claims auditor for the Controller, thence to chief of the bureau of collections for the State Department of Social Welfare and assistant secretary to the State Social Welfare Board; and

WHEREAS, During this period he took leave to attend the University of California at Berkeley, and later graduated with distinction from the McGeorge College of Law in Sacramento, gaining admittance to the practice of law in California in 1941, and has also been admitted to practice before the United States Supreme Court; and

WHEREAS, He entered the Navy in 1942 and saw service in the Pacific aboard the USS Argus and USS Whitehurst, rising to the rank of lieutenant at the time of his dicharge in December, 1945; and

WHEREAS, The following month he was retained for 90 days as temporary legal counsel for the County Supervisors Association of California in Sacramento; the temporary retainer became permanent, and five years later he became the association's general counsel and manager; and

WHEREAS, MacDougall is a founder and served two terms as the first Permanent Chairman of the National Conference of County Association Executives, and is also a founder of the National Association of County and Prosecuting Attorneys, and of the Western Regional District of the National Association of Counties; and

WHEREAS, Since 1956, he has served as Secretary of the Welfare Committee of the National Association of Counties and in 1959, the Secretary of Health, Education and Welfare

appointed him to membership on the Federal Advisory Council on Public Assistance and, that same year, Governor Edmund G. Brown appointed him to serve on California's Metropolitan Areas Commission; and

WHEREAS, Mr. MacDougall is now a member of the California Constitution Revision Commission, and, in 1967, the State Senate appointed him as one of its representatives on the California Council on Criminal Justice; and

WHEREAS, Bill MacDougall and his wife, Carol, have two children—Mrs. Marcia Williams of Laguna Beach, California, and son James, currently a student at Colorado College in Colorado Springs, Colorado—and Mrs. Ethel H. MacDougall, 90, his mother, lives in Sacramento; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members will miss the sage counsel and expertise of a respected and trusted friend, Bill MacDougall, and extend their heartiest best wishes to him and his family in his important new role as Executive Director of the Federal Advisory Commission on Intergovernmental Relations; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a suitably prepared copy of this resolution to Bill MacDougall.

RESOLUTION CHAPTER 43

Assembly Concurrent Resolution No. 88—
Relative to the Senate and Assembly.

[Filed with Secretary of State March 16, 1970.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, As follows:

First, That each house of the Legislature shall be in recess from adjournment of its session on Friday, March 20th, until the time set for reconvening on Monday, March 30th.

Second, That no bill shall be introduced after April 3rd 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 affirma-

tive recorded vote of two-thirds of the elected members of the house in which the request is made.

As used in this 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 3rd shall be made to the Legislative Counsel on or before March 20th. The Legislative Counsel shall not deliver the draft of any bill requested after March 20th until April 4th or after.

RESOLUTION CHAPTER 44

Senate Concurrent Resolution No. 35—Relative to commending Rabbi Joseph Gitin.

[Filed with Secretary of State March 19, 1970.]

WHEREAS, Rabbi Joseph Gitin has made significant contributions to the City of San Jose and the people of the State of California; and

WHEREAS, A graduate of the University of Cincinnati, he received a bachelor of Hebrew literature degree from the Hebrew Union College, where he was ordained rabbi in 1932, and, in 1959, he received a doctor of divinity degree from Hebrew Union College-Jewish Institute of Religion; and

WHEREAS, Rabbi Gitin has occupied pulpits in Buffalo, New York; Butte, Montana; Berkeley, Stockton, and San Jose, California; served as director of the B'nai B'rith Hillel Foundation at the Universities of North Carolina, Duke, and California; been a member of the Central Conference of American Rabbis; served as a lecturer at the College of the Pacific in Stockton; and served as president of the Board of Rabbis of Northern California and the Western Association of Reform Rabbis; and

WHEREAS, In San Jose, he has been active in several community activities and organizations, including the Advisory Commission to Police Department, the Church Commission of the Red Cross and United Fund, the Commission on Civilian Defense, the executive boards of the Santa Clara County Heart Association, Tuberculosis Society and the Association for Infantile Paralysis; he has also served as trustee for Agnews State Hospital, chaplain for the San Jose Fire Department and member of the Rotary Club, Municipal Entertainment Commission, Santa Clara County Advisory Committee on Children and Youth, and honorary member of California P.T.A.; and

WHEREAS, He received the Distinguished Citizen of San Jose Award and the KXRX Golden Mike Award, and he also served on the executive board of the Good Samaritan Hospital; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members take great pride in commending Rabbi Gitin for his outstanding record of achievement which has resulted in the betterment of his community and the State of California; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit suitably prepared copies of this resolution to Rabbi Joseph Gitin.

RESOLUTION CHAPTER 45

Senate Concurrent Resolution No. 8—Relative to the California Law Revision Commission.

[Filed with Secretary of State March 30, 1970.]

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 1969 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 arbitration should be revised;

(6) Whether Section 1698 of the Civil Code should be repealed or revised;

(7) Whether the law relating to counterclaims and cross-complaints should be revised;

(8) Whether the law relating to liquidated damages in contracts and, particularly, in leases should be revised;

(9) Whether the law relating to joinder of causes of action should be revised;

(10) Whether the law relating to the right of nonresident aliens to inherit should be revised;

(11) Whether the law giving preference to certain types of actions or proceedings in setting for hearing or trial should be revised;

(12) 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;

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;

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 Section 1974 of the Code of Civil Procedure should be repealed or revised;

(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 use of fictitious names should be revised;

(11) Whether the law relating to additur and remittitur should be revised;

(12) Whether Section 715.8 of the Civil Code (rule against perpetuities) should be revised or repealed;

(13) Whether the law relating to the rights and duties attendant upon termination or abandonment of a lease should be revised;

and

WHEREAS, The commission in its annual report covering its activities for 1969 has recommended that the following topics, previously approved for study, be removed from its agenda:

(1) Whether the California statutes relating to service of process by publication should be revised in light of recent decisions in the United States Supreme Court;

(2) Whether the Small Claims Court Law 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 topics listed above that the commission has recommended be removed from its agenda.

RESOLUTION CHAPTER 46

Senate Concurrent Resolution No. 7—Relative to the rules governing the liability of public entities for inverse condemnation.

[Filed with Secretary of State March 31, 1970.]

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, In 1965, the Legislature directed the commission to undertake a study to determine "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"; and

WHEREAS, The commission in its annual report covering its activities for 1969 requests that the scope of this topic be expanded to permit study of related areas of private law to determine whether changes in the law affecting the private area are necessary or desirable in connection with revision of the law relating to inverse condemnation; 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 study the following topic:

Whether the decisional, statutory, and constitutional rules governing the liability of public entities for inverse condemnation should be revised (including but not limited to liability for damages resulting from flood control projects) and whether the law relating to the liability of private persons under similar circumstances should be revised.

RESOLUTION CHAPTER 47

Assembly Concurrent Resolution No. 71—Relative to the Cabrillo Festival.

[Filed with Secretary of State April 2, 1970.]

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 1970 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 48

Assembly Joint Resolution No. 23—Relative to the issuing of a commemorative postage stamp regarding Juan Rodríguez Cabrillo, "the discoverer of California."

[Filed with Secretary of State April 6, 1970.]

WHEREAS, On September 18, 1542, Juan Rodríguez Cabrillo, a Portuguese explorer in the service of Spain, discovered California by entering San Diego Bay and proceeding with further explorations along the coast of California; and

WHEREAS, It was the discovery of California by Cabrillo which led to the early Mexican and Spanish settlement of California and the establishment of the Franciscan missions along the coastal area of California; and

WHEREAS, The influence of the Mexican and Spanish settlement has been a pervasive factor down through the history of California and has contributed to a large extent in making California one of the most historically and presently fascinating and colorful states of our Union; 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 discovery of California by Juan Rodríguez Cabrillo; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Postmaster General of the United States.

RESOLUTION CHAPTER 49

Assembly Concurrent Resolution No. 45—Relative to requesting the California Fish and Game Commission to permit ice fishing.

[Filed with Secretary of State April 6, 1970.]

WHEREAS, The people of the State of California badly need more healthy outdoor recreation; and

WHEREAS, The state has many lakes and other bodies of water which are solidly frozen over during the winter; and

WHEREAS, Fish under frozen lakes and other bodies of water are a valuable natural resource, which can be available to sportsmen; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members request the Fish and Game Commission to permit ice fishing in the state, wherever feasible and ecologically sound, in order to establish ice fishing as a permanent tradition in California; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Fish and Game Commission.

RESOLUTION CHAPTER 50

Assembly Concurrent Resolution No. 95—Relative to the death of Erle Stanley Gardner.

[Filed with Secretary of State April 6, 1970]

WHEREAS, It was with profound regret that the Members of the Legislature learned of the death of Erle Stanley Gardner; and

WHEREAS, His name long ago became a household word because of the success of the more than 160 books he wrote, selling over 100 million copies, and the similar success of the popular Perry Mason television show; and

WHEREAS, Mr. Gardner studied law after forsaking a career as a professional boxer, and was admitted to the State Bar of California and practiced law for 10 years before beginning to write; and

WHEREAS, He authored the first Perry Mason book in 1933 and eventually began writing full time, usually producing 20,000 words a day and six books a year; and

WHEREAS, He also wrote under several pen names, including A. A. Fair, Charles J. Kenny, and Carleton Kendrake, and was a frequent contributor to popular magazines and to legal, religious, and inmate publications; and

WHEREAS, Mr. Gardner traveled widely, mostly in North America, hunting big game and collecting lore for 13 nonfiction books; and

WHEREAS, His curiosity about primitive areas finally settled on Baja California, where he led friends in archeological expeditions into primitive Pai Pai Indian country by jeep, helicopter and blimp; and

WHEREAS, Erle Stanley Gardner was sympathetic to the plight of the underdog and donated a great deal of time as the founder of the Court of Last Resort, a nonprofit enterprise

dedicated to investigating the cases of condemned men who claimed they were innocent of crimes for which they were convicted; and

WHEREAS, Erle Stanley Gardner was an avid rancher who took great pride in his 3,000-acre "Rancho del Paisano" (Ranch of the Countryman) in Temecula in the County of Riverside; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members mourn the passing of a talented author, a concerned citizen and a great man, Erle Stanley Gardner, whose name will live on in the works that will surely delight readers and viewers for decades to come, and the members also wish to express their sincere sympathy to his wife, Agnes Jean, his daughter, Grace Naso, and his brother, Dr. Kenneth D. Gardner; and be it further

Resolved, That the Chief Clerk of the Assembly transmit suitably prepared copies of this resolution to Agnes Jean Gardner, Grace Naso, and Dr. Kenneth D. Gardner.

RESOLUTION CHAPTER 51

Assembly Joint Resolution No. 22—Relative to National Raisin Week.

[Filed with Secretary of State April 7, 1970.]

WHEREAS, National Raisin Week is the nation's oldest food festival, celebrating its 61st observation from April 26th through May 2nd in 1970; and

WHEREAS, The California raisin industry, the largest in the world, provides one-half of the world's supply of raisins; and

WHEREAS, The great San Joaquin Valley of California, and more particularly Fresno County, is the very heart of the raisin industry; and

WHEREAS, Since raisins are a wonderfully delicious and nutritious food, packed with energy and the health giving qualities of captured sunshine, it is most fitting that during this special observance week their praise be sung throughout the land, that even more people may come to know and enjoy the raisin and take pride in this unique industry; 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 proclaim the week of April 26th through May 2nd, 1970 as "National Raisin Week"; 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 52

Senate Joint Resolution No. 3—Relative to packaged disaster hospitals.

[Filed with Secretary of State April 9, 1970.]

WHEREAS, The federal government has located a number of packaged disaster hospitals in rural areas throughout the state; and

WHEREAS, In such areas a great need exists for emergency medical supply and equipment assistance because of natural disasters in these isolated areas and such packaged disaster hospitals are frequently the only source of community medical supplies; and

WHEREAS, The Department of Health, Education, and Welfare has announced plans to remove 14 of these packaged disaster hospitals from their present sites; 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 and the Secretary of Health, Education, and Welfare to make every effort consistent with law to delay such removal plans until the State of California can determine an alternative manner of providing medical services for persons now being served by packaged disaster hospitals; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the Secretary of Health, Education, and Welfare, and to the Director of Emergency Health Services of the Department of Health, Education, and Welfare.

RESOLUTION CHAPTER 53

Senate Concurrent Resolution No 52—Relative to memorializing Herbert C. Jones.

[Filed with Secretary of State April 9, 1970.]

WHEREAS. It is with deep sorrow that the members received the sad news of the passing of Herbert C. Jones, a California State Senator from 1913 to 1936; and

WHEREAS, Senator Jones was born in Oskaloosa, Iowa, on September 20, 1880, he came to California in 1894; attended the San Jose elementary and high schools; graduated from Leland Stanford University in 1902 and from the law school in 1904; and

WHEREAS, He was first elected to the Senate at a recall election on January 2, 1913, to fill an unexpired term in the 28th District; and served 22 consecutive years and during one campaign, at which time California had the crossfile system, he was nominated by all four parties—Republican, Democratic, Prohibitionist, and Progressive; and

WHEREAS, During his term of office, he was instrumental in securing legislation creating the Santa Clara Valley Water Conservation District, for which he served as chief attorney for many years after leaving the Senate; and

WHEREAS, He was a lifelong member of the Sempervirens Club, serving as its chairman for many years, such club being the moving force behind preservation of the Big Basin area as a state park; and

WHEREAS, He possessed an honorary master of arts degree from San Jose State College, one of the first two granted by the college, in honor of his chairmanship of the state committee which in 1920 established junior colleges throughout California and converted state normal schools to state colleges; and

WHEREAS, He served on the Agnew State Board of Trustees under 10 governors, and also served as a member of the State Bar from 1935 to 1938; and

WHEREAS, He belonged to various organizations, including the Friends Church (Quakers); Pioneers of Santa Clara County; California Pioneers; Conference of California Historical Societies; San Jose Lions Club, Save the Redwoods League, Commonwealth Club; Chamber of Commerce; and was a former trustee and director of the YMCA; and

WHEREAS, He is survived by his wife, Pauline W. Jones, their two daughters, Mrs. Barbara Casin of San Jose and Mrs. Elizabeth Kroeber of Los Angeles, and six grandchildren; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members extend their most profound sympathy on the passing of Herbert C. Jones to his widow, Mrs. Pauline W. Jones, and daughters, Mrs. Barbara Casin and Mrs. Elizabeth Kroeber; and be it further

Resolved, That the Secretary of the Senate transmit suitably prepared copies of this resolution to Mrs. Pauline W. Jones, Mrs. Barbara Casin, and Mrs. Elizabeth Kroeber.

RESOLUTION CHAPTER 54

Senate Concurrent Resolution No. 6—Relative to the California Law Revision Commission.

[Filed with Secretary of State April 10, 1970.]

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 1969 describes two 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 a study of the following topic:

(1) A study to determine whether the law relating to nonprofit corporations should be revised.

RESOLUTION CHAPTER 55

Assembly Concurrent Resolution No. 114—Relative to the death of Officer Walter C. Frago.

[Filed with Secretary of State April 14, 1970.]

WHEREAS, The tragic deaths of Officer Walter C. Frago and of Officer Roger D. Gore his lifelong friend, and Officers George M. Alleyn and James E. Pence, Jr., on April 6, 1970, in a blazing gun battle near Saugus was the worst tragedy in the 41-year illustrious history of the California Highway Patrol; and

WHEREAS, This shocking event has once again demonstrated all too vividly the commitment of the men of the California Highway Patrol to its Code of Honor, which reads in part "and if necessity arises lay down my life rather than swerve from the path of duty"; and

WHEREAS, Officer Frago unhesitatingly laid down his life in the path of his duty to protect his fellow men as 120 other courageous men of the California Highway Patrol have done; and

WHEREAS, Governor Reagan, upon learning of this tragedy, stated that "if anything worth while comes from this tragedy, it should be the realization by every citizen that often the only thing that stands between him and the loss of everything he holds dear is the man wearing a badge"; and

WHEREAS, Born in Merced on December 22, 1946, he attended the Margaret Sheehy Grammar School, Our Lady of Mercy Grammar School, Our Lady of Mercy High School, and Merced Junior College; and

WHEREAS, He was appointed to the California Highway Patrol on August 12, 1968, and after graduating from the academy on December 6, 1968, he was assigned to the Newhall area, subsequently was transferred to the West Valley area on March 24, 1969, and then was returned to the Newhall area on September 15, 1969; and

WHEREAS, Although his term of service was short, he had acquired a reputation as an excellent officer through his hard work and dedication to the patrol; and

WHEREAS, All citizens of California stand forever in debt to the dedication and sacrifice of Officer Frago in the performance of his duty which resulted in his tragic death; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring. That the members, individually and as representatives of the people of the State of California, hereby extend their deepest sympathy and condolences to Officer Frago's wife, Nicola, and his two daughters, Amorette and Gabrielle; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a suitably prepared copy of this resolution to the family of Officer Walter C. Frago.

RESOLUTION CHAPTER 56

Assembly Concurrent Resolution No. 115—Relative to the death of Officer James E. Pence, Jr.

[Filed with Secretary of State April 14, 1970]

WHEREAS, The tragic deaths of Officer James E. Pence, Jr., and of Officers George M. Alleyn, Walter C. Frago, and Roger D. Gore on April 6, 1970, in a blazing gun battle near Saugus was the worst tragedy in the 41-year illustrious history of the California Highway Patrol; and

WHEREAS, This shocking event has once again demonstrated all too vividly the commitment of the men of the California Highway Patrol to its Code of Honor, which reads in part "and if necessity arises lay down my life rather than swerve from the path of duty"; and

WHEREAS, Officer Pence unhesitatingly laid down his life in the path of his duty to protect his fellow men as 120 other courageous men of the California Highway Patrol have done; and

WHEREAS, Governor Reagan, upon learning of this tragedy, stated that "if anything worth while comes from this tragedy, it should be the realization by every citizen that often the only thing that stands between him and the loss of everything he holds dear is the man wearing a badge"; and

WHEREAS, Born in Chicago, Illinois, on May 18, 1945, he attended Wentworth Grammar School in Chicago, Chicago Ridge Elementary and Blue Island High School in Chicago Ridge, Armijo High School in Fairfield, Napa Junior College in Napa, and Solano Junior College in Vallejo; and

WHEREAS, He was appointed to the California Highway Patrol on January 28, 1969, and after graduating from the

academy on May 23, 1969, he was assigned to the Newhall area; and

WHEREAS, Although his term of service was short, he had acquired a reputation as an excellent officer through his hard work and dedication to the patrol; and

WHEREAS, All citizens of California stand forever in debt to the dedication and sacrifice of Officer Pence in the performance of his duty which resulted in his tragic death; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members, individually and as representatives of the people of the State of California, hereby extend their deepest sympathy and condolences to Officer Pence's wife, Janet, his daughter, Teressa, and his son, James; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a suitably prepared copy of this resolution to the family of Officer James E. Pence, Jr.

RESOLUTION CHAPTER 57

Assembly Concurrent Resolution No. 116—Relative to the California Highway Patrol.

[Filed with Secretary of State April 14, 1970]

WHEREAS, The tragic deaths of Officers George M. Alleyn, Walter C. Frago, Roger D. Gore, and James E. Pence, Jr. on April 6, 1970, in a blazing gun battle near Saugus was the worst tragedy in the 41-year illustrious history of the California Highway Patrol; and

WHEREAS, This shocking event has once again demonstrated all too vividly the commitment of the men of the California Highway Patrol to its Code of Honor, which reads in part "and if necessity arises lay down my life rather than swerve from the path of duty"; and

WHEREAS, Officers Alleyn, Frago, Gore, and Pence unhesitatingly laid down their lives in the path of their duty to protect their fellow men, as 117 other courageous men of the California Highway Patrol have done previously; and

WHEREAS, Governor Reagan, upon learning of this tragedy, stated that "If anything worth while comes from this tragedy, it should be the realization by every citizen that often the only thing that stands between him and the loss of everything he holds dear is the man wearing the badge"; and

WHEREAS, All citizens of California stand forever in debt to the dedication and sacrifices of Officers Alleyn, Frago, Gore, and Pence in the performance of their duty which resulted in their tragic deaths; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members, individually and

as representatives of the people of the State of California, hereby extend their deepest sympathy and condolences to the California Highway Patrol upon the tragic deaths of four of their young heroic officers, Officers George M. Alleyn, Walter C. Frago, Roger D. Gore, and James E. Pence, Jr.; and be it further

Resolved, That the Chief Clerk of the Assembly transmit suitably prepared copies of this resolution to the headquarters in Sacramento and the station in Newhall of the California Highway Patrol.

RESOLUTION CHAPTER 58

Assembly Concurrent Resolution No. 117—Relative to the death of Officer Roger D. Gore.

[Filed with Secretary of State April 14, 1970.]

WHEREAS, The tragic deaths of Officer Roger D. Gore and of Officer Walter C. Frago, his lifelong friend, and Officers George M. Alleyn and James E. Pence, Jr., on April 6, 1970, in a blazing gun battle near Saugus was the worst tragedy in the 41-year illustrious history of the California Highway Patrol; and

WHEREAS, This shocking event has once again demonstrated all too vividly the commitment of the men of the California Highway Patrol to its Code of Honor, which reads in part "and if necessity arises lay down my life rather than swerve from the path of duty"; and

WHEREAS, Officer Gore unhesitatingly laid down his life in the path of his duty to protect his fellow men as 120 other courageous men of the California Highway Patrol have done; and

WHEREAS, Governor Reagan, upon learning of this tragedy, stated that "If anything worth while comes from this tragedy, it should be the realization by every citizen that often the only thing that stands between him and the loss of everything he holds dear is the man wearing the badge"; and

WHEREAS, Born in Merced on February 17, 1947, he attended Snelling-Merced Falls Elementary School, Merced Union High School, and Merced Junior College; and

WHEREAS, He was appointed to the California Highway Patrol on August 12, 1968, and after graduating from the academy on December 6, 1968, he was assigned to the Newhall area, subsequently was transferred to the West Valley area on March 24, 1969, and then was returned to the Newhall area on September 15, 1969; and

WHEREAS, Although his term of service was short, he had acquired a reputation as an excellent officer through his hard work and dedication to the patrol; and

WHEREAS, All citizens of California stand forever in debt to the dedication and sacrifice of Officer Gore in the perform-

ance of his duty which resulted in his tragic death; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members, individually and as representatives of the people of the State of California, hereby extend their deepest sympathy and condolences to Officer Gore's wife, Valerie, and his daughter, Elyse; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a suitably prepared copy of this resolution to the family of Officer Roger D. Gore.

RESOLUTION CHAPTER 59

Assembly Concurrent Resolution No. 118—Relative to the death of Officer George M. Alleyn.

[Filed with Secretary of State April 14, 1970]

WHEREAS, The tragic deaths of Officer George M. Alleyn and of Officers Walter C. Frago, Roger D. Gore, and James E. Pence, Jr. on April 6, 1970, in a blazing gun battle near Saugus was the worst tragedy in the 41-year illustrious history of the California Highway Patrol; and

WHEREAS, This shocking event has once again demonstrated all too vividly the commitment of the men of the California Highway Patrol to its Code of Honor, which reads in part "and if necessity arises lay down my life rather than swerve from the path of duty"; and

WHEREAS, Officer Alleyn unhesitatingly laid down his life in the path of his duty to protect his fellow men as 120 other courageous men of the California Highway Patrol have done; and

WHEREAS, Governor Reagan, upon learning of this tragedy, stated that "If anything worth while comes from this tragedy, it should be the realization by every citizen that often the only thing that stands between him and the loss of everything he holds dear is the man wearing a badge"; and

WHEREAS, Born in Brownsville, Texas, on March 1, 1946, he attended South Richie Elementary School in Pasadena, Texas, Lakewood Village Grammar School and Madrone Junior High School in Sunnyvale, Castro Junior High School in San Jose, and Campbell High School in Campbell; and

WHEREAS, He was appointed to the California Highway Patrol on April 22, 1968, and after graduating from the academy on August 15, 1968, he was assigned to the Newhall area; and

WHEREAS, Although his term of service was short, he had acquired a reputation as an excellent officer through his hard work and dedication to the patrol; and

WHEREAS, All citizens of California stand forever in debt to the dedication and sacrifice of Officer Alleyn in the perform-

ance of his duty which resulted in his tragic death; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members, individually and as representatives of the people of the State of California, hereby extend their deepest sympathy and condolences to Officer Alleyn's wife, Shirley, his daughter, Julie, and his son, Kevin; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a suitably prepared copy of this resolution to the family of Officer George M Alleyn.

RESOLUTION CHAPTER 60

Senate Concurrent Resolution No 48—Relative to the retirement of Mr. Paul R. Leake.

[Filed with Secretary of State April 22, 1970.]

WHEREAS, It has been brought to the attention of the members that Paul R. Leake of Woodland, a member of the State Board of Equalization since 1952, will be retiring upon the termination of his present term this year; and

WHEREAS, He was originally appointed as a member of the board by Governor Earl Warren in 1952, during which time that board also enforced the state liquor laws; and

WHEREAS, During the early years of his term, he undertook a crusade which eventually resulted in a complete revision of the administration of the liquor laws; and

WHEREAS, During his terms on the board, he served several terms as board chairman; and

WHEREAS, Though he is 80 years old, Mr. Leake, upon his retirement, will be devoting more time to his family and to the Woodland Daily Democrat newspaper, of which he is editor and publisher; and

WHEREAS, His retirement will bring to a close one of the phases of his many dedicated and very ably conducted endeavors; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members commend Mr. Paul R. Leake for his outstanding performance and exhibition of capabilities while serving as chairman and as member of the State Board of Equalization, and wish him every happiness on the occasion of his retirement; and be it further

Resolved, That the Secretary of the Senate transmit a suitably prepared copy of this resolution to Mr. Paul R. Leake.

RESOLUTION CHAPTER 61

Senate Concurrent Resolution No. 49— Relative to Quality Control Week.

[Filed with Secretary of State April 22, 1970.]

WHEREAS, The San Diego Section of the American Society for Quality Control has devoted many years of effort and study to the advancement of quality control as a means for improving industrial and manufactured products, both for the defense of our country and for consumer materials and products; and

WHEREAS, All disciplines of engineering, and all professional quality control people representing our nation's varied products and commodities unite in their efforts toward rigid adherence to quality control methods, so that our country can be effectively competitive with foreign manufacturers, and our citizens can enjoy a higher quality life; and

WHEREAS, The theme of the 1970 Quality Control Week was "Product Assurance in the '70's—A Challenge to Inspection, Quality Engineering and Reliability," and that theme implies survival as competitors in a competitive world market, consumer satisfaction and survival of our state and nation in a physical and social environment of the highest order, with individual freedom for all; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Members of the Legislature acknowledge the observance of Quality Control Week, which was celebrated, in San Diego, in the week beginning March 22 through March 28, 1970, and that all citizens are urged to consider the above-described quality control concepts as a means of preserving our good and abundant American way of life.

RESOLUTION CHAPTER 62

Senate Concurrent Resolution No. 55—Relative to the retirement of Dr. Dan O. Kilroy.

[Filed with Secretary of State April 22, 1970.]

WHEREAS, Dr. Dan O. Kilroy retired from the State Athletic Commission in February 1970 after 15 years of continuous service; and

WHEREAS, Dr. Kilroy, who was first appointed to the commission on February 23, 1956, served as chairman from July 1956 through June 1961 and again during the years 1965 and 1968; and

WHEREAS, He was in charge of the 1959 hearings recommended by the Cox report, and it was evidence developed under his leadership that clearly revealed the attempts of racketeers to control the world welterweight boxing title, and resulted in the conviction and punishment of the conspirators; and

WHEREAS, Dr. Dan O. Kilroy was also instrumental in establishing the much needed medical safety standards for the protection of professional boxers; and

WHEREAS, His most recent proposal for the immediate suturing of lacerations received in the boxing ring was adopted

as a pilot program in 1969 in the Sacramento and Stockton areas, and has so far proved quite successful, leading to the hope that it will spread through the entire state in the very near future; and

WHEREAS, Dr. Kilroy has achieved nationwide recognition as a member of the Medical Advisory Board of the National Boxing Association and has received two special commendations from his fellow commissioners for his distinguished service with the California State Athletic Commission; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members hereby commend Dr. Dan O. Kilroy on his outstanding record of public service on the State Athletic Commission, and extend to him their best wishes for a long and enjoyable retirement; and be it further

Resolved, That the Secretary of the Senate is directed to transmit a suitably prepared copy of this resolution to Dr. Dan O. Kilroy.

RESOLUTION CHAPTER 63

Assembly Concurrent Resolution No. 106—Relative to memorializing Frank M. Jordan.

[Filed with Secretary of State April 27, 1970]

WHEREAS, The Members of the Legislature were deeply grieved to learn of the death of California's veteran Secretary of State, Frank M. Jordan; and

WHEREAS, Frank M. Jordan served California as its Secretary of State for over 27 years, a record only his father, Frank C. Jordan, surpassed; and

WHEREAS, He was born in Alameda, California, on August 6, 1888, where he attended the public schools of Oakland until he moved to Auburn in 1906; and

WHEREAS, He worked as part of a railroad survey gang between Colfax and Rocklin engaged in mining in Shasta County and Arizona, was part of the engineering department of the Automobile Club of Southern California, and served his country during World War I, enlisting as a private in the 144th Field Artillery and rising to the rank of lieutenant; and

WHEREAS, Following World War I he operated his own insurance company in California, Oregon, and Washington and also engaged in selling pipe, steel and investments; and

WHEREAS, He joined his father's staff as a Deputy Secretary of State in 1935 resigning two years after his father's death to run for the office his father had held for 29 years; and

WHEREAS, He followed his father's example of leaving the doors of the Secretary of State's office open at all times so

that the people of the state could enter with any problems they might have; and

WHEREAS, He was a member of the Masons, the Shrine, the Elks, the Moose, the N.S.G.W., the Pasadena Athletic Club, the Jonathan Club, the Veterans of World War I, the Balboa Bay Club, the Grandfathers Club, the American Legion, the Veterans of Foreign Wars, the 144th Field Artillery Association, and was a past president of the National Association of Secretaries of State; and

WHEREAS, He married Alice Crossan, a Red Cross nurse whom he met in a debarkation hospital, and they had a daughter, Mary Jane, before Mrs. Jordan's death about 20 years ago; and

WHEREAS Mr. Jordan is survived by his wife, Alberta Stutzman Jordan, whom he married in 1955; his daughter, Mary Jane Law; and two granddaughters, Nancy Jordan Law and Peggy Ann Law; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members hereby pay tribute to the memory of Frank M. Jordan, Secretary of State of the State of California, an outstanding servant of the public; and be it further

Resolved, That the Chief Clerk of the Assembly transmit suitably prepared copies of this resolution to Mrs. Frank M. Jordan and Mrs. Robert Law.

RESOLUTION CHAPTER 64

Assembly Joint Resolution No. 15—Relative to the Hidden Dam on the Fresno River and the Buchanan Dam on the Chowchilla River.

[Filed with Secretary of State April 28, 1970.]

WHEREAS, The Congress of the United States has in previous years authorized the construction of Hidden Dam on the Fresno River and Buchanan Dam on the Chowchilla River as flood control and water conservation projects; and

WHEREAS, These two projects have been studied together, authorized together under the same legislation, and designed together; and

WHEREAS, The flood control problems on the Chowchilla River and the Fresno River are of equal seriousness and the water conservation needs of both watersheds are similar; and

WHEREAS, Both projects would provide a high degree of flood protection to vital areas which are regularly subject to uncontrollable and highly damaging floods; and

WHEREAS, Recurring flood threats along the Fresno and Chowchilla Rivers, as evidenced by the devastating floods of December 1964, and the winter of 1968, make the earliest pos-

sible completion of these projects a matter of great urgency; and

WHEREAS, No construction funds have been provided for Buchanan Dam and Hidden Dam in the new federal budget because of economy considerations despite the urgent need for both projects; and

WHEREAS, Unnecessary delays in the construction of these projects would be a tragic mistake resulting in increased costs to taxpayers due to inflation and in the continued threat of devastating flood damage; 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 release for the construction of Buchanan Dam on the Chowchilla River and Hidden Dam on the Fresno River all funds appropriated for such purpose for the 1970 fiscal year, and to appropriate $1,200,000 for construction of Buchanan Dam and $1,800,000 for construction of Hidden Dam during the 1971 fiscal year; 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 65

Assembly Concurrent Resolution No. 91—Relative to the anniversary of the Cinco de Mayo as Mexican-American Week.

[Filed with Secretary of State April 28, 1970.]

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 108th 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, 1970, 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 66

Assembly Joint Resolution No. 10—Relative to federal participation in feasibility level studies for the Salton Sea.

[Filed with Secretary of State May 4, 1970]

WHEREAS, The Salton Sea located in Riverside and Imperial Counties of California is a unique and valuable recreational and fishery resource; and

WHEREAS, The Legislature of the State of California has recognized the interest of the people of the State of California and the nation in the Salton Sea by creating the Salton Sea Advisory Committee and by authorizing state participation in feasibility studies of the Salton Sea problems; and

WHEREAS, The valuable fishery resource of the Salton Sea may be lost within this present decade unless rising salinity levels are controlled; and

WHEREAS, A recently completed joint federal-state reconnaissance level investigation found that salinity can be controlled by construction of a 50-square-mile evaporation basin, and that such a project has a very favorable cost benefit ratio; and

WHEREAS, Federal participation in such a project is justified because of the nationwide significance of the resource, and the proprietary interest of the federal government in the project area; and

WHEREAS, The next step in saving the Salton Sea is the initiation of a feasibility level study, as recommended by the joint reconnaissance study, upon which decisions will be made with respect to a project; and

WHEREAS, The State of California has already authorized the budgeted funds for such a study, contingent upon federal participation; 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 expedite the introduction and passage of authorization and funding for feasibility level studies for the Salton Sea to prevent further delays which would jeopardize the fishery resource of the sea; 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, to the appropriate House and Senate committees, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 67

Assembly Concurrent Resolution No. 121—Relative to congratulating the UCLA Bruin Basketball Team.

[Filed with Secretary of State May 4, 1970.]

WHEREAS, It was with great pleasure and just pride that the Members of the Legislature learned that the University of California at Los Angeles basketball team recently won an

unprecedented fourth consecutive National Collegiate Athletic Association Championship; and

WHEREAS, Head Coach John Wooden, a three-time All-American as a player, has fashioned a basketball dynasty at UCLA, earning for himself Coach of the Year honors on four separate occasions, and sweeping to a sixth National Collegiate Athletic Championship in the last seven years; and

WHEREAS, John Wooden has demonstrated an unusual capacity to create teamwork out of talented individual stars and possesses the ideal characteristics as a coach that every parent would like to have his son emulate; and

WHEREAS, A tall University of Jacksonville team was no match for a quick and poised UCLA team in the N.C.A.A. Championship finals, failing by an 80 to 69 score; and

WHEREAS, Coach John Wooden again molded a seemingly unbeatable team and guided them to another recordbreaking season; and

WHEREAS, Through team effort and spirited play the UCLA Bruins became the first university to win four consecutive National Collegiate Basketball titles and give the State of California the N.C.A.A. Championship; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature congratulate the UCLA Bruins basketball team for their sensational basketball season, and commend Coach John Wooden, his coaching staff and the team members for their individual efforts, and for winning the National Collegiate Athletic Association Championship; and be it further

Resolved, That the Chief Clerk of the Assembly transmit suitably prepared copies of this resolution to Coach John Wooden and each member of the UCLA Bruins basketball team.

RESOLUTION CHAPTER 68

Senate Concurrent Resolution No. 74—Relative to commending Earl C. Behrens.

[Filed with Secretary of State May 5, 1970]

WHEREAS, The Members of the Legislature of the State of California have learned of the awarding of the Medal of Freedom to Earl C. Behrens, a political editor of the San Francisco Chronicle; and

WHEREAS, In awarding the medal, the nation's highest civilian honor, President Nixon referred to Mr Behrens as a "legend among political reporters," and he is also a man respected by both parties for his fair and true reporting of political events; and

WHEREAS, Mr Behrens, a graduate of Stanford University, began his career as political editor of the Chronicle in 1923,

and has served with distinction in that capacity since then; and

WHEREAS, "Squire," as he is affectionately known, has served as president of the San Francisco Press Club three times, is a long-time president of the Capitol Correspondents Association of Sacramento, is dean of the California State Capitol Newsmen, a member of the National Press Club, and a member of the American Political Science Association; and

WHEREAS, He has also received numerous awards and honors, including the American Heritage Foundation award in 1952; and

WHEREAS, Mr. Behrens is a veteran of World War I, during which time he served his country with distinction as a lieutenant in the U.S. Army, and was wounded by enemy fire while serving in Siberia; and

WHEREAS, He has covered all national political conventions of both parties since 1924, and is held in great respect by politicians and fellow reporters alike for his depth of political knowledge; and

WHEREAS, Mr. Behrens, a native Californian, is married to the former Bernice Woodward director of the San Francisco reception center of the State Department, and has one son, Dr. Chauncey G. Behrens; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members congratulate Earl C. Behrens on his receipt of the Medal of Freedom and commend him on a long and distinguished career in political reporting; and be it further

Resolved, That the Secretary of the Senate transmit a suitably prepared copy of this resolution to Earl C. Behrens.

RESOLUTION CHAPTER 69

Senate Concurrent Resolution No. 56—Relative to peace officers.

[Filed with Secretary of State May 18, 1970]

WHEREAS, The peace officers of California have worked devotedly and selflessly in behalf of the people of this state, regardless of the peril or hazard to themselves; and

WHEREAS, These officers have safeguarded the lives and property of their fellow Californians; and

WHEREAS, By the enforcement of our laws, these same officers have given our country internal freedom from fear of the violence and civil disorder that are presently affecting other nations; and

WHEREAS, These men and women by their patriotic service and their dedicated efforts have earned the gratitude of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That (1) May 15th of each year

is declared to be Peace Officers Memorial Day in honor of the state and municipal officers who have been killed or disabled in the line of duty, (2) in each year, the calendar week during which such May 15th occurs, is declared to be Peace Officers' Week, in recognition of the service given by the men and women who, night and day, stand guard in our midst to protect us through enforcement of our laws, and (3) an invitation is extended to the counties and cities, and the people of California, to observe such day and week with appropriate ceremonies and activities.

RESOLUTION CHAPTER 70

Senate Concurrent Resolution No. 71—Relative to "Senior Citizens' Month."

[Filed with Secretary of State May 18, 1970.]

WHEREAS, Approximately 1,788,000 older Californians, over 65 years of age, have made outstanding contributions to their nation and to this state through their wealth of wisdom, skills and endurance; and

WHEREAS, The pioneer spirit so important in the formative years of our western culture, is now evident in the many senior volunteer services; and

WHEREAS, Older men and women provide the "heartbeat" of such programs as Foster Grandparents, Head Start, Home Maker and Senior Aides through their sensitive awareness and understanding; and

WHEREAS, Throughout the state, senior citizens will participate in forums, meetings and hearings to gather data for the 1971 White House Conference on Aging; and

WHEREAS, The information and recommendations provided by today's older Californians will help to prevent dependency, poverty and deprivation for future generations of senior citizens; 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 1970 as Senior Citizens' Month in California; and be it further

Resolved, That the State of California, through the California Commission on Aging and other appropriate state agencies provide expertise, support and guidance to enable all older persons to live their later years in dignity, security, and peace; 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 and other appropriate state agencies.

RESOLUTION CHAPTER 71

Assembly Concurrent Resolution No. 141—Approving amendments to the Charter of the City of Whittier, County of Los Angeles, State of California, ratified by the qualified electors of the city at a general municipal election held therein on the 14th day of April, 1970.

[Filed with Secretary of State May 20, 1970]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of amendments to the Charter of the City of Whittier, 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 BY ELECTORS OF THE CITY OF WHITTIER OF CERTAIN CHARTER AMENDMENTS

Election Held April 14, 1970

State of California
County of Los Angeles } ss
City of Whittier

We, the undersigned, Keith W. Miller, Mayor of the City of Whittier, State of California, and Frank R. Limber, City Clerk of the City of Whittier, do hereby certify as follows:

That the City of Whittier, a municipal corporation in the County of Los Angeles, State of California, is now and at all times herein mentioned, was a city containing a population of more than thirty-five hundred (3,500) inhabitants and has been ever since the year, 1954, and now is organized and existing and acting under a freeholder's charter adopted and by virtue of Article XI Section 8 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 13th day of April, 1954, and approved by the Legislature of the State of California by Assembly Concurrent Resolution filed with the Secretary of State on the 7th day of January, 1955.

That in accordance with the provisions of Article XI Section 8 of the Constitution of the State of California, and on it's own motion, the City Council of the City of Whittier 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 General Municipal Election held in said City on the 14th day of April, 1970.

That said proposed amendments were published and advertised in accordance with the provisions of Article XI Section 8 of the Constitution of the State of California on the 24th day

of February, 1970, in the Daily News, a daily newspaper of general circulation, printed, published and circulated in the City of Whittier.

That copies of said proposed amendments were printed in pamphlet form in type of not less than 10 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 Whittier. That it was also advertised that copies of said proposed amendments could be had at the office of the City Clerk of the City of Whittier to and including the 14th day of April, 1970, the day fixed for said election.

That said General Municipal Election was duly and regularly held in the City of Whittier on the 14th day of April, 1970, which day was not less than forty (40) days nor more than sixty (60) days after the completion of the published advertisement of the aforementioned proposed charter amendments.

That the returns of said election were in accordance with the law in such cases, duly and regularly canvassed and certified to, and it was duly found, determined and declared by the proper officers duly authorized thereunto, that all of the amendments to the charter of the City of Whittier hereinafter set forth were ratified by a majority of the electors of said City voting thereon. That the City Council of the City of Whittier did, by its Resolution No. 4257, on April 21, 1970 duly declare the results of said election as determined by the canvass of the returns thereof.

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.

That said amendments to the Charter of the City of Whittier, so ratified by the electors, are in the following words and figures:

PROPOSITION "A"
PROPOSED CHARTER AMENDMENT No. 7:

Article VIII of the Whittier City Charter, entitled "Civil Service System" is hereby amended to read as follows:

"Article VIII
Civil Service System

800. Civil Service System. Created. There is hereby created a Civil Service System for the City of Whittier. The purposes of such System shall be as follows:

(1) to establish an equitable and uniform procedure for dealing with all personnel affairs; and

(2) to attract to the City's employment, the best and most competent persons available therefor; and

(3) to assure that appointments and promotions of employees will be based upon merit and fitness as determined by competitive examinations; and

(4) to provide a reasonable degree of job security for qualified employees.

The provisions of this Article shall be liberally construed to effectuate the foregoing.

801. Classified and Unclassified Services. All employees and officers of the City shall be included within either the classified or unclassified services, as follows:

(1) Unclassified Service. The unclassified service of the City shall include the following:

(a) All elective officers;

(b) City Manager, Assistant City Manager, if any, one Private Secretary to the City Manager, City Attorney, Assistant City Attorney, if any, City Clerk, City Treasurer, Controller, City Engineer, all department heads designated as such on the City's Table of Organization, all employees of the Library Department, including, but not limited to, the Librarian;

(c) All members of boards and commissions; and

(d) Positions in any class or grade created for a temporary purpose; and

(e) Persons employed by written agreement, to render professional, scientific, technical or expert services; and

(f) Persons employed on a part-time basis; and

(g) Any new position hereafter created by the City Council, unless declared by the City Council to be in the classified service at the time of creation or thereafter. Appointments and dismissals as to positions in the unclassified service shall be made as provided for in this Charter, or if not referred to herein, in the manner established by the City Council.

(2) Classified Service. The classified service shall consist of all those positions of employment with the City other than those referred to in Subparagraph (1) hereof.

802. Status of Present Personnel. Any person holding a position as an officer or employee of the City, as of the effective date of this Charter, or any amendment to this Article, shall maintain and carry forward his classification and status, whether provisional, acting, probationary, permanent or otherwise, notwithstanding adoption of such amendment hereto; provided such classification and status shall, hereafter, be held subject to the provisions of this Charter and any other implementing ordinance, rule or regulation applicable thereto.

803. Appointment to Positions in the Unclassified Service. In the event that any person holding a position in the Classified Service of the City, accepts an appointment to a position in the Unclassified Service, and, within 180 days after the effective date of such appointment, is removed or resigns therefrom, such person shall, upon his written request therefor, automatically revert to his former position in the Classified Service, provided, that if such person is removed from his Unclassified position, specifically, by reason of an act for which

disciplinary action could have been taken if such person held a position in the Classified service at such time, in which event, such person shall be subject to the imposition of disciplinary action, in the time and manner set forth in Section 804 hereof.

804. Disciplinary Proceedings. The provisions of this Section shall apply only to persons in the Classified Service of the City. Any such person shall be subject to the imposition of disciplinary action, taken in accordance with the provisions of this Section, and any lawful ordinance, rule or regulation implementing the same.

(1) Definitions. The words and phrases hereinafter set forth shall be defined, for the purpose of this Section, in the manner indicated:

(a) Appointing Authority shall mean those department heads and/or supervisors designated as appointing authorities in the City's approved Table of Organization; and

(b) Classified Service shall mean those persons employed by the City in a position included within the classified Service created by the provisions of this Article; and

(c) City shall mean the City of Whittier; and

(d) City Clerk shall mean the duly appointed, acting and qualified City Clerk of the City; and

(e) City Council shall mean the duly elected and qualified City Council of the City; and

(f) City Manager shall mean the duly appointed, acting and qualified City Manager of the City; and

(g) Disciplinary Action shall mean action taken by an appointing authority with reference to an employee within the Classified Service, for cause, which involves, as to such employee, his temporary suspension from duty without pay, and/or his demotion, and/or a reduction in pay, or dismissal, imposed for all or any of the causes referred to in Subparagraph (2) of this Section; and

(h) Personnel Board or Board shall mean the body referred to in Section 709 of Article VII of this Charter; and

(i) Secretary of the Board shall mean the duly appointed secretary of the Personnel Board; and

(j) Serve or Service, when referring to a written document, shall mean the personal delivery thereof, to the addressee, or the deposit of the same in the course of transmission of the United States Postal Service, postage prepaid, addressed to such person at his last known address. Service shall be deemed completed as of the date of the physical delivery of the document, or, as of the date of deposit of the same with said postal service.

(2) Imposition of Disciplinary Action. Disciplinary action shall not be imposed upon any officer or employee whose position is included within the Classified Service, except for one or more of the following causes:

(a) Absence without leave; or

(b) Discourteous treatment of the public or fellow employees; or

(c) Dishonesty; or

(d) Final conviction of any crime involving moral turpitude; or

(e) Physical or mental inability to perform his duties; or

(f) Habitual intemperance; or

(g) Immoral conduct; or

(h) Inattention to duties; or

(i) Incompetence; or

(j) Insubordination; or

(k) Intoxication while on duty occasioned by alcoholic beverage or drugs; or

(l) Any act, or a failure to act, where a duty to act exists, which brings discredit upon the City.

(3) Disciplinary Procedure.

(a) Appeal to City Manager. When an appointing authority determines that disciplinary action should be taken against an employee, he shall serve the employee with a written statement consisting of the charges and the disciplinary action imposed. The disciplinary action, as taken, shall be final and conclusive unless, within ten (10) days after the service of such written statement, the affected employee files with the City Manager, a written letter of appeal, appealing the appointing authority's decision imposing such disciplinary action. Within not to exceed 30 days after receipt by the City Manager of such a written appeal, he shall set a time and place for an informal hearing upon such appeal, and serve notice thereof upon the affected employee, the appointing authority, and any other person requesting such notice. At such time and place, the City Manager shall conduct an informal hearing and shall consider all relevant oral and documentary evidence presented thereat for the purpose of determining whether the disciplinary action, as taken, is supported, factually, by the evidence presented and is in accordance with this Charter and any other ordinance, rule or regulation implementing the same. The City Manager, as a result of the evidence presented at such hearing, shall affirm, overrule or modify, in whole or in part, the action taken by the appointing authority. The City Manager shall render his decision in written form, containing findings of fact in support of his decision. The City Manager shall, within five (5) calendar days after the rendering of such decision, serve a copy thereof upon the employee, the appointing authority and any other person requesting the same. The decision of the City Manager shall be final and conclusive in the absence of an appeal taken in the time and manner hereinafter provided.

(b) Appeal to Personnel Board. Any decision of the City Manager, as hereinabove described, shall be subject to an appeal to the Personnel Board. An appeal to said Board shall be perfected by the filing, with the City Clerk, of a written letter of appeal, executed by the affected employee, appealing

the decision of the City Manager to said Board. Said written letter of appeal shall briefly outline the basis thereof and shall be filed within ten (10) days after service of the City Manager's said decision upon such affected employee. Upon receipt of a timely letter of appeal, the City Clerk shall, forthwith, transmit such appeal to the Secretary of the Board who shall set the matter for hearing at the next most convenient meeting of the Personnel Board. The Secretary of the Board shall give not less than five (5) days written notice to the affected employee, the City Manager, the appointing authority and any other person requesting the same, of the time and place of such hearing. At the time and place of such hearing the Personnel Board shall conduct a de novo hearing in order to determine whether the decision of the appointing authority as approved or modified by the City Manager is supported by the evidence presented and is consistent with the provisions of this Charter and any implementing ordinance, rule or regulation applicable thereto.

The proceeding before the Personnel Board shall be conducted in accordance with the provisions of the Ralph M. Brown Act, and such other rules of procedure consistent therewith, as the Board may adopt. The Board shall give all interested parties a reasonable opportunity to be heard on relevant issues; provided, that the rules of evidence utilized in judicial proceedings shall not apply to such proceedings, but the Board shall observe the substance of such rules to the end that the matter before it can be fairly determined upon reliable evidentiary matters. At the conclusion of such hearing, the Personnel Board, based solely upon the evidence presented to it, by resolution, shall affirm, overrule or modify, in whole or in part, the determination made by the City Manager. The Secretary of the Board shall give written notice to the affected employee, the City Manager, the appointing authority and any other person requesting the same, of the decision of the Personnel Board with regard to such matter. The decision of the Board shall be final and conclusive in the absence of an appeal taken at the time and manner hereinafter provided.

(c) Appeal to the City Council. Any decision of the Personnel Board with regard to disciplinary action shall be subject to an appeal to the City Council either by the affected employee, or by the appointing authority with the approval of the City Manager. An appeal to the City Council shall be perfected by the filing with the City Clerk, within ten (10) days after the service of notice of the Personnel Board's action, of a written letter of appeal, and the payment of a fee, in an amount established by the City Clerk, sufficient to defray the cost of preparation of a transcript of the Board's proceedings. Where the appeal is taken by the appointing authority, the transcript cost shall be a proper charge against the City. Such an appeal shall contain a request by the appealing party for the City Council, alternatively:

(1) to conduct a de novo public hearing upon such matter; or

(2) to review the said decision of the Personnel Board based solely upon the transcript of the proceedings before the Board, together with written arguments relating thereto submitted by the affected employee and/or the appointing authority; or

(3) to review such matter based upon the transcript of proceedings before the Personnel Board, together with additional evidence on specific issues.

As soon as possible after the receipt of such an appeal, the City Clerk shall cause to be prepared, at the expense of the appealing party, a transcript of the Board's proceedings, which transcript shall be transmitted to the City Council. The Council shall determine, based upon a review of the transcript, whether it will conduct a de novo public hearing, review the matter solely upon the transcript and written arguments, or upon the transcript together with a partial de novo hearing upon specific issues. The City Council's determination as to which method of review shall be employed shall be final and conclusive. If a de novo hearing is to be held, or if a partial de novo hearing for the purpose of admitting additional evidence is to be conducted, the same shall be done only at a public hearing which shall be noticed in the time and manner, and conducted as in the case of an appeal to the Personnel Board. The decision of the City Council, by resolution, shall be, expeditiously made and notice thereof shall be served upon the affected employee, the Secretary of the Board, the City Manager, the appointing authority and any such other person requesting written notice thereof. The action as taken by the Council shall affirm, overrule or modify, in whole or in part, the decision reached by the Personnel Board. The decision of the City Council shall be final and conclusive in all cases.

Where disciplinary action is taken involving suspension from duty, a reduction in pay, or a demotion, the action, as taken, shall be suspended during the pendency of the appellate process; provided that disciplinary action in the form of a dismissal, notwithstanding any appellate process, shall be effective from the date imposed by the appointing authority and such person shall be reinstated only if so ordered by an appellate authority.

805. Abolition of Position. Whenever in the judgement of the City Council, it becomes necessary, in the interest of economy, efficiency or because the necessity for the position of employment involved no longer exists, the Council may abolish any position or employment in the Classified service. The City Council shall accomplish such abolition by resolution, which shall set forth the reason or necessity which requires the same.

Whenever any position is abolished and the job classifications thereof are substantially the equivalent of another position within the City's service, the City Manager shall demote or transfer the person or persons holding such posi-

tion or positions, based upon their length of service with the City. Any employee terminated because of the abolition of his position, shall be automatically reinstated if substantially the same position is recreated within one (1) year after such abolition.

806. Discrimination. No person in the City's service or seeking admission thereto, shall be employed, promoted, demoted or discharged, or in any way favored or discriminated against because of political opinions or affiliations, race, color, religious belief, sex or age, except that the City Council may establish age limits for positions in the police and fire departments.

807. Absence Because of Injury. Notwithstanding any other provision hereof, or any other rule or regulation, the absence of any officer or employee from his position, caused by injury or disease which entitles him to compensation pursuant to Section 3201 et seq. of the Labor Code of the State of California, shall not constitute a break in such person's continuous service for the purpose of salary adjustments, sick leave, vacation leave or seniority rights.

808. Contract of Performance of Administrative Functions. The City Council may contract with any person, including, but not limited to, another public agency, for the preparation and/or conduct of competitive examinations for positions in the City's classified service, or for the performance of any other personnel administrative service.

809. Implementation of Charter. The City Council shall, by ordinance, rule or regulation, implement the provisions of this Article, as may be necessary, to carry out the purpose and intent hereof.

PROPOSITION "B"
PROPOSED CHARTER AMENDMENT NO. 8:

Article V, Section 504 (a) and Article VII, Section 710 (d) of the Whittier City Charter, is hereby amended to read as follows:

"Article V

504.

(a) Appoint, and he may suspend or remove, subject to the provisions of this Charter including the Civil Service System provisions thereof, all department heads and officers of the City except elective officers and those department heads and officers the power of whose appointment is vested by this Charter in the City Council or in the Board of Hospital Trustees; provided, however, that the appointment removal and suspension of the Librarian, the City Clerk, the Controller and the Treasurer shall be subject to the approval of the City Council, and the appointment (but not the suspension or removal) of other department heads by the City Manager shall be subject to the approval of the City Council; and approve or disapprove all proposed appointments and removals of sub-

ordinate employees by those department heads who are appointed by the City Manager.

Article VII

710.

(d) Recommend to the City Council, for adoption, policies regarding the purchase and acquisition of books, journals, maps, publications, and other supplies peculiar to the needs of the Library, subject, however, to the limitations of the budget as determined by the City Council for such purposes. The expenditure and disbursement of funds for such purchases shall be made and approved as elsewhere in this Charter provided."

We further certify that we have compared the foregoing proposed and ratified amendments to the Charter of the City of Whittier 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 Whittier to be affixed hereto this 29th day of April 1970.

KEITH W. MILLER
(SEAL) Mayor of the City of Whittier
FRANK R. LIMBER
City Clerk of the City of Whittier

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 Whittier, 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 of Whittier, County of Los Angeles.

RESOLUTION CHAPTER 72

Assembly Joint Resolution No. 14—Relative to motor vehicle license plates.

[Filed with Secretary of State May 21, 1970.]

WHEREAS, The law enforcement agencies of California and other states are increasingly faced with the problem of theft and misuse of automobile license plates; and

WHEREAS, Law enforcement agencies rely greatly on license plates for identification of motor vehicles; and

WHEREAS, The present method of each state manufacturing a separate metal license plate, with appropriate validation devices, most of which are readily detachable from the vehicle, compounds, in the opinion of most law enforcement executives, the problems of theft and misuse; 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 direct an appropriate agency of the federal government, or form an ad hoc body, to study the feasibility of adopting a permanent numbering device, in the general size and shape as the current standardized motor vehicle license plate, to be permanently affixed to all motor vehicles manufactured for domestic use in the United States, with provision for validation by the several states to satisfy their licensing and registration statutes; and be it further

Resolved, That the numbering system adopted be in conformance with data processing requirements of the National Crime Information Center and similar law enforcement data processing 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 United States Attorney General, to the Secretary of Commerce, to the Secretary of Transportation, and to the attorney general of each state.

RESOLUTION CHAPTER 73

Assembly Concurrent Resolution No. 146—Relative to a recess of the Legislature.

[Filed with Secretary of State May 21, 1970.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Senate and Assembly shall be in recess from adjournment on Thursday, May 28, 1970, until 2 p.m., Wednesday, June 3, 1970.

RESOLUTION CHAPTER 74

Assembly Joint Resolution No. 21—Relative to flood control projects on the San Joaquin-Kings River Interstream Group.

[Filed with Secretary of State May 25, 1970.]

WHEREAS, During the months of January and February, 1969, Fresno County experienced record rainfall which produced heavy runoff into the streams of the San Joaquin-Kings River Interstream Group, resulting in largely uncontrolled flows into the Fresno-Clovis metropolitan area, as well as other urban and farming areas of the County of Fresno; and

WHEREAS, This unprecedented runoff resulted in millions of dollars of damage in the Fresno-Clovis metropolitan area, and 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 streams in the San Joaquin-Kings River Interstream Group to control such floodwaters during periods of extreme rainfall, so as to avoid a repetition of disastrous floods in the future; and

WHEREAS, Congress has made available funds for the conduct of studies by the U.S. Army Corps of Engineers on the need for flood control projects on the San Joaquin-Kings River Interstream Group, but the President has refused to release funds for the conduct of such studies during this fiscal year; and

WHEREAS, Due to the urgent need for flood control projects on the San Joaquin-Kings River Interstream Group together with rapidly rising costs, the public interest requires that such studies concerning flood control needs be undertaken at the earliest possible time; 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 release for immediate expenditure funds available for the conduct of studies by the U.S. Army Corps of Engineers on the need for flood control projects on the San Joaquin-Kings River Interstream Group; 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 75

Assembly Concurrent Resolution No. 83—Relative to Water Quality Control.

[Filed with Secretary of State May 25, 1970.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That each California regional water quality control board is requested to submit a progress report on the activities of such board under the Porter-Cologne Water Quality Control Act to the Legislature and to the State Water Resources Control Board not later than June 1, 1970, and that such report shall include detailed information as to the number of meetings of the board, the location of the meetings, the persons attending the meetings, the number and kinds of orders issued by the board, and all other actions of the board which will contribute to a comprehensive review of the activities of the board; and be it further

Resolved, That the State Water Resources Control Board is also requested to submit a report to the Legislature not later than June 1, 1970, detailing its own activities under the Porter-Cologne Water Quality Control Act; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the executive officer of each California water quality control board and of the State Water Resources Control Board.

RESOLUTION CHAPTER 76

Assembly Concurrent Resolution No. 138— Relative to the City of Riverside.

[Filed with Secretary of State May 25, 1970.]

WHEREAS, It has come to the attention of the Members of the Assembly that the City of Riverside is currently celebrating its centennial year, having been founded in the year 1870; and

WHEREAS, The earliest inhabitants of the Santa Ana River Valley were Cahuilla and Serrano Indians, followed by Spanish explorers under Captain Juan Bautista de Anza in 1774 and by Mexican settlers in the 1830's, each group making vital contributions to Riverside's heritage; and

WHEREAS, Riverside, originally founded under the name of Jurupa, was incorporated in 1883 and has a present population of over 140,000, and is known throughout the state for its beautiful tree-lined streets, parks and gardens, enjoying the title of "California's City Beautiful"; and

WHEREAS, The City of Riverside gave birth to California's multimillion-dollar navel orange industry when Mrs. Eliza Tibbetts planted California's first navel orange tree there in

1873, which parent orange tree still flourishes in a park at the intersection of two major thoroughfares in the city; and

WHEREAS, Riverside is one of the major cultural and recreational centers of California as the home of the world-famous Riverside International Raceway, the University of California at Riverside and several other colleges and universities, the Riverside Symphony Orchestra, the Riverside Opera Association, the Riverside Museum and the Riverside Civic Ballet, as well as the host to an annual "Fiesta de las Artes" (Art Festival) which brings together most of the community's cultural groups; and

WHEREAS, With its warm, dry climate and its mild winters Riverside is an ideal convention city with its famous Mission Inn Garden Hotel and Civic Auditorium serving as a hub for the numerous groups meeting there each year; and

WHEREAS, Mount Rubidoux, site of the first outdoor interdenominational Easter sunrise service, dominates the downtown skyline and gives a breathtaking view of the city to the adventurous who make their way to the top; and

WHEREAS, Riverside is a rapidly growing city whose assessed valuation has doubled in the last 10 years, and is served by several newspapers, one of which—the Riverside "Press"—was a Pulitzer Prize winner in 1968; and

WHEREAS, The City of Riverside has planned a full week of festivities to highlight its centennial year, said celebration to extend from June 6 through June 13, 1970; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members extend their congratulations to the City of Riverside upon its centennial celebration and congratulate Riverside on its outstanding contributions to the culture and the economy of California; and be it further

Resolved, That the Chief Clerk of the Assembly transmit suitably prepared copies of this resolution to the Mayor of the City of Riverside, to the members of the Riverside City Council, to the Riverside City Manager, and to the Riverside Public Library.

RESOLUTION CHAPTER 77

Assembly Joint Resolution No. 6—Relative to flood control projects.

[Filed with Secretary of State May 26, 1970.]

WHEREAS, In March 1938, December 1955–January 1956, and January–February 1969, the Mill Ditch, Fancher Creek, Dog Creek, Pub Creek, Dry Creek, Redbank Creek, Mud Creek, Holland Creek, more particularly known collectively as the San Joaquin-Kings River Interstream Group, have caused

severe flood damage in 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 capacities to hold back the surface runoff generated from a heavy rainfall, as was recently demonstrated by the 1969 floods, when such streams caused millions of dollars of damage to both public and private property in the Fresno metropolitan area, and many farming and urban communities of Fresno County and adjacent counties; and

WHEREAS, Existing projects constructed by the Corps of Engineers in 1928 and the Fresno Metropolitan Flood Control District in 1962 have reduced, but not eliminated, flood damages from that group of streams; 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, In 1969, the President of the United States 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, A study of the San Joaquin-Kings River Interstream Group by the U.S. Army Corps of Engineers was authorized by Congress in 1956; and

WHEREAS, Due to the critical need for flood protection from runoff from the stream group, the U.S. Army Corps of Engineers, which is highly qualified to make studies of flood prevention, plans to initiate a study of that group as part of its San Joaquin River Basin study this fiscal year, or under the Redbank and Fancher Creek study, if that authorized investigation is funded this year; 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; 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 on the need for flood control projects on the San Joaquin-Kings River Interstream Group, together with the dams and flood control facilities required, the design criteria therefor, and the cost of such 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, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 78

Assembly Joint Resolution No. 13—Relative to oil drilling sanctuaries.

[Filed with Secretary of State May 26, 1970.]

WHEREAS, The California Legislature has created certain sanctuaries in which leasing of state-owned tide and submerged lands for oil and gas development is prohibited or controlled; and

WHEREAS, These sanctuaries and the coastal lands adjacent to them will be in serious jeopardy of pollution of disastrous proportions if leases are granted for oil, gas, or other minerals exploration and exploitation in federal submerged lands oceanward of the existing state sanctuaries; 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 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 79

Assembly Concurrent Resolution No. 67—Relative to the State Exposition and Fair.

[Filed with Secretary of State May 26, 1970.]

WHEREAS, California annually stages a State Exposition and Fair displaying the agricultural and industrial and commercial products of this state; and

WHEREAS, Agriculture is California's number one industry; and

WHEREAS, The California Department of Agriculture does not present an exhibit highlighting its works and programs at the State Exposition and Fair; and

WHEREAS, California as the number one agricultural state should provide adequate financial support from the Fair and Exposition Fund so that there can be an agricultural display at the State Exposition and Fair which would be on a topic of current public interest; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Director of Agriculture is requested to seek an adequate allocation not to exceed one thousand dollars ($1,000) from funds available from the Fair and Exposition Fund to provide an annual exhibit on a current topic of public interest relating to agriculture prepared by various state agencies concerned with agriculture; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Agriculture.

RESOLUTION CHAPTER 80

Assembly Concurrent Resolution No. 126—Approving amendments to the Charter of the City of Piedmont, County of Alameda, State of California, ratified by the qualified electors of the city at a general municipal election held therein on the 24th day of February, 1970.

[Filed with Secretary of State May 26, 1970.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of amendments to the Charter of the City of Piedmont, 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 the city, as follows:

To the Legislature of the State of California:

PETITION OF THE CITY OF PIEDMONT, A MUNICIPAL CORPORATION IN THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA, FOR APPROVAL OF CERTAIN AMENDMENTS TO THE CHARTER OF THE CITY OF PIEDMONT, VOTED FOR AND RATIFIED BY THE QUALIFIED ELECTORS OF SAID CITY AT A GENERAL MUNICIPAL ELECTION HELD IN THE CITY OF PIEDMONT ON THE 24TH DAY OF FEBRUARY, 1970.

State of California }
County of Alameda } ss
City of Piedmont }

We, the undersigned, Arthur R. Flegal, President of the Council of the City of Piedmont, State of California and E.

Julian Dodelin, City Clerk of said City; do hereby certify and declare as follows:

That the City of Piedmont is 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 thirty-five hundred (3500) 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 is now organized, existing and acting 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 February 27, 1923, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 23rd day of March, 1923. (Statute 1923, Page 1564.)

That in pursuance of Section Eight of Article Eleven of the Constitution of the State of California, on its own motion the Council of the City of Piedmont being the legislative body of said city, by and in pursuance of certain Resolutions passed by the City Council on the 1st day of December, 1969, duly submitted to the qualified electors of said City of Piedmont, certain proposals for the amendment of the Charter of said City, to be voted on by said qualified voters at a General Municipal Election held in said City on the 24th day of February, 1970, which said proposals were and are in words and figures following; to wit:

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, and in accordance with the provisions of the Charter of the City of Piedmont, in the "Piedmonter", which was then and there a newspaper of general circulation within said City of Piedmont, and in all the editions thereof issued during the day of publication, there being no official newspaper printed and published within the said City of Piedmont.

That the City Council of the City of Piedmont, a legislative body of said City, by its certain resolutions passed on the 1st day of December, 1969, did order the holding of a General Municipal Election on the 24th day of February, 1970 and did provide in said resolutions for the submission of the proposed amendments to the Charter, to the qualified electors of said City for their ratification at such election.

That said election was duly called and held on the 24th day of February, 1970, and at said election a majority of qualified electors, voting thereon, voted in favor of and the ratification of, and did ratify the proposed amendments of the Charter of the City of Piedmont hereinbefore set forth.

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 a majority of the qualified electors voting thereon had voted in favor of and ratified the said proposed amendments to said Charter as hereinbefore set forth, and we, and each of us further certify that we have compared the foregoing enclosed and ratified amendments to the Charter of the City of Piedmont with the original proposals submitted to the electors of said City at the election held on the 24th day of February, 1970, and find that the foregoing are true, full, correct and exact copies thereof.

In witness whereof, we have hereunto set our hands and caused the seal of said City of Piedmont to be affixed hereto this 18th day of March, 1970.

(SEAL)

ARTHUR R. FLEGAL
President of the City Council
and Ex-Officio Mayor

E. JULIAN DODELIN
City Clerk

Approved as to form:

WILLIAM P. JAEGER, JR. or
GEORGE S. PEYTON, JR.
City Attorney

Proposition A—To Provide Widow's Benefit Under Policemen's and Firemen's Pension for Non-Occupational Disability

Shall Article 11 of Section 47 of the Charter of the City of Piedmont be amended in the manner and to the extent set forth below to be effective following the approval of the electorate of the City of Piedmont and upon subsequent approval of the legislature of the State of California, but to apply to the pensions of all policemen and firemen who retire or have retired on or after January 1, 1970:

(All words to be deleted are underlined, and all words to be added are in light-face capital letters.)

Article 11. Disability—non-occupational

In the event a member has completed 20 or more years of service and prior to or after reaching the age of fifty-five (55) years such member becomes totally and permanently disabled due to non-occupational bodily injury or disease, excluding self-inflicted injury or attempt at suicide, the pension plan shall provide a pension for such member commencing at the age of fifty-five years if such disability occurs prior to reaching the age of fifty-five (55) years or at the time of disability if such disability occurs after reaching the age of fifty-five (55) years, and such pension shall be a sum equal to one-half

of the average monthly salary received by such member during the period of twelve months immediately preceding such disability, multiplied by a fraction of which the member's completed years of service is the numerator and twenty-five is the denominator.

The term "total and permanent disability", as used in this section is defined as incapacity of the member resulting from bodily injury or disease which prevents him from performing substantially all of the work pertaining to his occupation or any other occupation for which he is or may be suited by education, training or experience.

UPON THE DEATH OF A RETIRED MEMBER WHO IS RECEIVING OR IS ENTITLED TO RECEIVE A MONTHLY PENSION FROM THE FUND UNDER THE PROVISIONS OF THIS ARTICLE, HIS WIDOW, AS DEFINED IN ARTICLE 12, SHALL RECEIVE FROM THE FUND SO LONG AS SHE SHALL REMAIN UNMARRIED AND UNTIL HER DEATH, A MONTHLY PENSION IN A SUM EQUAL TO ONE-HALF OF THE MONTHLY PENSION TO BE RECEIVED OR BEING RECEIVED BY THE MEMBER AS HEREINABOVE SET FORTH IN THIS ARTICLE; PROVIDED THAT HIS WIDOW SHALL NOT COMMENCE RECEIVING SUCH MONTHLY PENSION PRIOR TO THE DATE THE RETIRED MEMBER HAS OR WOULD HAVE REACHED THE AGE OF FIFTY-FIVE (55) YEARS.

Proposition B—To Reflect Salary Increases for Policemen and Firemen in Their Temporary Disability Pension Benefits

Shall Article 6 of Section 47 of the Charter of the City of Piedmont be amended in the manner and to the extent set forth below to be effective following the approval of the electorate of the City of Piedmont and upon subsequent approval of the legislature of the State of California, but to apply to the pensions of all policemen and firemen who retire or have retired on or after January 1, 1970:

(All words to be deleted are underlined, and all words to be added are in light face capital letters.)

Article 6. Industrial death or disability

Whenever a member shall lose his life due to an injury, disability or disease caused by and received in the course of his employment and in the performance of his duty, then upon satisfactory proof of such facts made to it, said Board shall order and direct a sum equal to 50% of the sum provided for in the last paragraph of this article, said sum to be paid monthly from said fund, and not otherwise, to the widow

of said deceased member as long as she lives, or until she shall earlier remarry.

Should said deceased member leave no widow but should leave an orphan child or children under the age of 18 years, or should the deceased member leave a widow and child or children under the age of eighteen (18) years and the widow die without remarrying while such child or children are yet under the age of eighteen (18) years, said monthly amount shall be paid to such child or children who are under the age of eighteeen (18) years and such payment shall continue until the youngest child attains the age of eighteen (18) years provided, that no child shall receive any payment after attaining the age of eighteen (18) years or after marrying before attaining the age of eighteen (18) years.

Whenever a member, as a result of accident, injury, disability or disease, directly caused by and received in the course of employment and in the performance of his duty, is sufficiently disabled that he is no longer able to perform his regular duties, then upon satisfactory proof of such fact made to it, the board shall order and direct that such member be paid from the fund a monthly sum sufficient to make up the difference between the workmen's compensation and social security payments to which such member is otherwise entitled, and the monthly salary he was receiving at the time of his disability, CURRENT MONTHLY SALARY OF SUCH MEMBER, INCLUDING ANY SALARY INCREASES THERETO, such monthly sum to be paid for a period not to exceed one year or for such lesser time as such member's disability shall continue, and if such period of disability extends beyond one year, then the board shall order and direct the monthly payment from the pension fund to such member of an amount equal to 50% of the sum provided for in the last paragraph of this article, said payments to continue until such member's disability terminates or until such members death; provided, however, that should the City continue to pay the salary of such disabled member during the period of disability and at a time during which the pension plan should be making payments to such member, the City rather than the disabled member, shall receive from the pension fund such payments as the disabled member would have otherwise been entitled to receive from the fund during such period that the City continues to pay such disabled member's salary; provided further, that should such period of disability extend beyond one year, and, at such time such disabled member shall have accrued sick leave due him from the City, then such disabled member shall first be restored to full salary by the City during the period equal to his accrued sick leave, and only thereafter shall he be paid the 50% monthly pension from the pension fund as hereinabove provided.

Upon the death of a member who is receiving monthly disability pension payments from the pension fund pursuant to this article, his widow, as defined in Article 12, shall receive

from the fund so long as she shall live, or until she shall earlier remarry, a monthly pension equal to 25% of the sum provided for in the last paragraph of this article.

All payments set forth in this article 6, shall be subject to the deductions set forth in Article 9 of this Section 47.

The sum to which reference is hereinabove made is the average monthly salary received by such member during the period of twelve months immediately preceding the date of death, accident, injury, disability or disease of such member, provided, however, that if such member advanced in rank at any time during the three (3) years preceding such last-mentioned date, the sum to which reference is hereinabove made shall be equal to the following fraction:

The sum of the current monthly salary paid by the City on such date for each rank held by such member during the preceding thirty-six (36) months with each such salary multiplied by the number of months during which each such rank was held in said thirty-six (36) month period, divided by thirty-six (36).

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 Piedmont, County of Alameda, 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 Piedmont, County of Alameda.

RESOLUTION CHAPTER 81

Assembly Concurrent Resolution No. 5—Relative to a students' bill of rights.

[Filed with Secretary of State May 27, 1970.]

WHEREAS, Since the free speech movement in Berkeley in 1964, there has been a great deal of talk about rights: the right of freedom of speech, the right of academic freedom, and the right of association; and

WHEREAS, There is one right that has not been adequately promoted on many of the college campuses, and that is the right of the students to get an education; and

WHEREAS, Some dedicated young people in our colleges have had their basic student rights abrogated and have been forced to operate in an atmosphere not conducive of learning; and

WHEREAS, The Members of the Legislature recognize that certain student rights are basic in acquiring a rational education, conducted with dignity in a mature atmosphere, and are the cornerstone on which to base academic responsibility; and

WHEREAS, It is necessary that the legitimate rights of the students to learn be placed in a proper perspective and be given priority and recognition; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature hereby recognize that students have the following rights that include, but are not limited to:

1. Students have the right to as much personal attention as possible.
2. Students have the right to objective teaching.
3. Students have the right to instruction from those best qualified to give it, with emphasis put on the students' needs.
4. Students have the right to objective grading and advancement without regard to political belief or affiliation.
5. Students have the right to orderly classes.
6. Students have the right to hear all sides in major campus controversies.
7. Students have the right to attend a state college or university without fear of intimidation, coercion, or threats from any source.
8. Students have the right of assurance that they will not be used as pawns in an ideological power grab.
9. Students have the right, if they so choose, to simply be students with no forced commitment in any direction.
10. Students have the right to administrations with a priority commitment to the just needs of all the students; 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 Board of Governors of the California Community Colleges, the State Board of Education, and the Superintendent of Public Instruction.

RESOLUTION CHAPTER 82

Senate Concurrent Resolution No. 70—Relative to the Joint Committee on Seismic Safety.

[Filed with Secretary of State May 27, 1970]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the sum of ten thousand six hundred sixty-seven dollars ($10,667), 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 Committee on Seismic Safety 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 83

Assembly Concurrent Resolution No. 137—Relative to commending Earl C. "Squire" Behrens.

[Filed with Secretary of State May 28, 1970.]

WHEREAS, The nation's highest civilian honor was awarded to Earl C. "Squire" Behrens by President Richard M. Nixon when the native of Shasta, Shasta County, California received the Medal of Freedom for excellence in the field of reporting; and

WHEREAS, Squire Behrens has been political editor of the San Francisco Chronicle since 1923 and the depth of his knowledge and his wisdom in the political field is widely known, President Nixon calling him "a legend among political reporters" in the presentation of the award; and

WHEREAS, Behrens was the president of the San Francisco Press Club three times, is a member of the National Press Club and, in the State Capitol, is the president of the Capitol Correspondents Association and dean of the Capitol Press Corps; and

WHEREAS, Squire Behrens is revered by not only his colleagues but by members of both political parties for his objectivity and strict adherence to reporting the facts; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That Earl C. "Squire" Behrens be and he is hereby commended by the Legislature of the State of California, and the Members of the Assembly and Senate individually and as the legislative branch of California state government hereby honor and congratulate him upon receiving the nation's highest civilian award—the Medal of Freedom—from the President of the United States; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a suitably prepared copy of this resolution to Earl C. "Squire" Behrens.

RESOLUTION CHAPTER 84

Assembly Joint Resolution No. 8—Relative to free or reduced-price meals for schoolchildren.

[Filed with Secretary of State May 28, 1970.]

WHEREAS, Children are most vulnerable to the consequences of malnutrition which lead to future economic dependency; and

WHEREAS, The provision of free or reduced-price meals at school to needy schoolchildren is an efficient and effective method assisting such children to maintain proper nutrition; and

WHEREAS, A properly nourished child is better able to make optimum use of educational opportunities than is a hungry or malnourished child; and

WHEREAS, There are 500,000 such needy schoolchildren in California, less than 100,000 of whom are receiving free or reduced-price meals on a regular basis; and

WHEREAS, Leaders of the executive and legislative branches of the government of the United States have announced support for the goal of quickly eliminating hunger and malnutrition due to poverty; and

WHEREAS, Congress enacted the national school lunch program more than 23 years ago, and since has enacted additional legislation providing for the feeding of needy schoolchildren, but has never appropriated sufficient funds to reach all needy schoolchildren with such 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 memorializes the President and the Congress of the United States to immediately enact such legislation and make such appropriations as will enable every schoolchild in need of nutritious free or reduced-price school meals to have access to such meals; 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 Health, Education, and Welfare, to the Secretary of Agriculture, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 85

Assembly Joint Resolution No. 11—Relating to the importation of low-sulfur fuel oil.

[Filed with Secretary of State June 8, 1970.]

WHEREAS, Atmospheric pollution is a major contributor to environmental degradation, damaging both human health and property; and

WHEREAS, Over 10,000 persons annually are advised by their physicians to leave the Los Angeles area because of the pathological effects of breathing polluted air; and

WHEREAS, California's property owners incur over one-half billion dollars of damages annually, with California agriculture alone suffering $250 million worth of crop damage yearly because of air pollution; and

WHEREAS, The State of California in its efforts to combat air pollution has enacted numerous laws and regulations, divided the state into 11 air basins for purposes of regulation, and has developed minimum statewide air quality standards; and

WHEREAS, The United States government has designated the San Francisco and Los Angeles air basins as federal air quality control regions, for which the State of California has developed air quality standards pursuant to federal law; and

WHEREAS, Sulfur dioxide, a major atmospheric contaminant, is the waste product of the combustion of high-sulfur fuel oil used to fire the boilers of electric power generating plants; and

WHEREAS, To prevent the emission of sulfur dioxide, natural gas is used as a fuel during the seven warm months of the year and low-sulfur fuel oil principally from Indonesia is imported by permission of the federal government during the five winter months; and

WHEREAS, The use of low-sulfur fuel oil contributes significantly to the improvement of the atmosphere's quality since high-sulfur fuel oil emits five times as much sulfur dioxide, three times as much particulate matter and twice as much nitrogen dioxide as low-sulfur fuel; and

WHEREAS, The Cabinet Task Force for Oil Import Control is recommending to the President of the United States that the means for regulating the importation of crude oil be changed from the present quota system to a system of tariffs; and

WHEREAS, It is anticipated that the change to the tariff system will increase the price of low-sulfur fuel oil and impose additional costs on our efforts to fight air pollution; and

WHEREAS, The success of local, state and federal governments' efforts to combat air pollution is absolutely dependent upon the recognition of the necessity for cooperation and coordination among all levels of governments in developing and administering programs to eliminate air pollution; 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 President of the United States to permit the continued importation of low-sulfur fuel oil unhampered by costly tariffs; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Secretary of Labor, the Chairman of the Cabinet Task Force for Oil Import Control, the Secretary of Health, Education, and Welfare, the Adviser to the President on Science and Technology, and the Chairman of the President's Task Force on Air Pollution.

RESOLUTION CHAPTER 86

Assembly Joint Resolution No. 17—Relative to the conversion of federal vehicles to natural gas fuel systems.

[Filed with Secretary of State June 8, 1970.]

WHEREAS, Atmospheric pollution is a major contributor to environmental degradation, damaging both human health and property; and

WHEREAS, Over 10,000 persons annually are advised by their physicians to leave the Los Angeles area because of the pathological effects of breathing polluted air; and

WHEREAS, California's property owners incur over one-half billion dollars of damages annually, with California agriculture alone suffering $250 million worth of crop damage yearly because of air pollution; and

WHEREAS, The State of California in its efforts to combat air pollution has enacted numerous laws and regulations, divided the state into 11 air basins for purposes of regulations, and has developed minimum statewide air quality standards; and

WHEREAS, The State of California has initiated a variety of state-financed special programs designed to spur the development of low-emission vehicles; and

WHEREAS, One of these programs calls for the conversion of 185 state vehicles to compressed natural gas and liquid natural gas fuel systems; and

WHEREAS, The General Services Administration of the federal government has announced its intention to convert 1,000 of its vehicles to compressed natural gas and liquid natural gas fuel systems; and

WHEREAS, California, among all the states, suffers most from motor vehicle caused air pollution; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California request the General Services Administration to convert, as soon as possible, to natural gas fuel systems as many federally owned vehicles operated in the State of California as can be practically equipped with such systems; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Administrator of the General Services Administration and the Chairman of the President's Task Force on Air Pollution.

RESOLUTION CHAPTER 87

Assembly Concurrent Resolution No. 158—Relative to Joint Rule 10.9.

[Filed with Secretary of State June 8, 1970.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That Joint Rule 10.9 of the 1969

Joint Rules of the Senate and Assembly shall not apply to any bill introduced at the 1970 Regular Session of the Legislature and that all bills returned to the house pursuant to that rule shall be returned to the appropriate standing committee for consideration.

RESOLUTION CHAPTER 88

Senate Concurrent Resolution No. 51—
Relative to American Heritage Day.

[Filed with Secretary of State June 8, 1970.]

WHEREAS, The citizens of California and our great nation would do well to pause and consider the true meaning of our independence as reflected in our past history; and

WHEREAS, With this in mind, the California-Nevada-Hawaii District of Kiwanis International has initiated a campaign to have the third day of July observed as "American Heritage Day," a day when citizens everywhere may meditate upon America's great past and rededicate themselves to the ideals of Americanism; and

WHEREAS, An observance of this type can do much to strengthen the moral and spiritual fiber of our people in these troubled times; and

WHEREAS, The Members of the Legislature call on all Californians to take time out on the third day of July to contemplate our historical heritage and the significance of our independence; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the third of July shall be known as American Heritage Day; and be it further

Resolved, That the Members of the Legislature urge all citizens of California to pause on the third of July and contemplate the meaning which the Fourth of July—our Independence Day—has for each of us; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to Mr. Frank DiNoto, Chairman, Public and Business Affairs Committee, California-Nevada-Hawaii District of Kiwanis International.

RESOLUTION CHAPTER 89

Assembly Concurrent Resolution No. 21—
Relative to highway litter.

[Filed with Secretary of State June 11, 1970.]

WHEREAS, The scenic beauty of California constitutes one of its greatest resources; and

WHEREAS, This resource is not only enjoyed by Californians, but also by people from every state in the nation and from all over the world; and

WHEREAS, The presence of papers, cans, bottles, and other litter along our public roads substantially detracts from the enjoyment of California's scenic beauty; and

WHEREAS, Despite the expenditure of $2.2 million a year to remove litter from state highways, and substantial additional amounts on county roads and city streets, litter remains an inexcusable eyesore along California roads; and

WHEREAS, More effective methods of dealing with the litter problem must be found; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Department of Public Works is hereby requested to conduct a study to determine the current cost of litter control on state highways and county roads and what is being done here and elsewhere to control litter, and to report its recommendations as to what should be done in the way of penalties, public information programs, or other courses of action which will more effectively control the litter problem to the Legislature by 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 Public Works.

RESOLUTION CHAPTER 90

Assembly Joint Resolution No. 30—Relative to issuance of commemorative stamp.

[Filed with Secretary of State June 12, 1970.]

WHEREAS, Jedediah Smith was the leader of the first American trapping expedition to cross overland into California in 1826, and the first to cross the Sierras from west to east in 1827; and

WHEREAS, He was the first American to traverse California from San Diego to Oregon; and

WHEREAS, His explorations pioneered routes that later became main arteries of travel to California; 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 authorize the issuance of a commemorative postage stamp in honor of Jedediah Smith; 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 91

Assembly Joint Resolution No. 36—
Relative to Fort MacArthur.

[Filed with Secretary of State June 12, 1970.]

WHEREAS, The Secretary of Defense has recently decided not to make cutbacks at Fort MacArthur in San Pedro as part of general cutbacks which will inactivate the only other Army installation in southern California, Fort Irwin; and

WHEREAS, Fort MacArthur has adequate land for the service of military personnel in southern California and has the support of the San Pedro community; and

WHEREAS, The designation of Fort MacArthur as a "permanent" Army installation would permit the construction of certain new buildings for expanded operation in southern California and facilitate fundraising for a proposed military hospital; 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 designate Fort MacArthur as a "permanent" Army installation; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 92

Senate Concurrent Resolution No. 80—Approving an amendment to the Charter of the City of Needles, County of San Bernardino, State of California, ratified by the qualified electors of the city at a general municipal election held therein on the 14th day of April, 1970.

[Filed with Secretary of State June 17, 1970]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of an amendment to the Charter of the City of Needles, a municipal corporation in the County of San Bernardino, 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 San Bernardino } ss.
City of Needles

We, the undersigned, Darwin L. Richardson, Mayor of the City of Needles, State of California, and John J. Lidin, City Clerk of said City, do hereby certify and declare as follows:

The City of Needles, 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.

The legislative body of said City on its own motion submitted to the electors of said City, at a General Municipal Election, held within said City on the 14th day of April, 1970, a certain proposed amendment to the City Charter of said City.

Said proposed amendment was published in the Desert Star, 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, 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 election was duly and regularly held on said 14th day of April, 1970, and at said election a majority of the qualified voters voting thereon voted in favor thereof and did ratify said proposed amendment of said City Charter.

Said amendment is as follows:

"Shall Section 1102 (a) of the Charter of the City of Needles be amended to read as follows:

Section 1102. Tax Limits

(a) The Council shall not levy a property tax for municipal purposes, except as otherwise provided in this section, in excess of two dollars annually on each one hundred dollars of the assessed value of taxable property in the City, unless authorized by the affirmative votes of a majority of those electors 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 electors. The number of years that such additional levy is to be made shall be specified in such proposition and the purpose thereof may also be specified."

We certify that the facts set forth in the preamble preceding said amendment to said Charter are true.

In witness whereof, we have hereunto set our hands and caused the Corporate Seal of the City of Needles to be attached on this 11th day of May, 1970.

DARWIN L. RICHARDSON
(SEAL) Mayor of the City of Needles, California
JOHN J. LIDIN
City Clerk of the City of Needles, 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 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 Needles, County of San Bernardino, 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 Needles, County of San Bernardino.

RESOLUTION CHAPTER 93

Assembly Concurrent Resolution No. 144—
Relative to commending John Wayne.

[Filed with Secretary of State June 17, 1970.]

WHEREAS, It has come to the attention of the members that John Wayne has received the Academy Award for best actor for his superlative performance in the motion picture "True Grit"; and

WHEREAS, Mr. Wayne, known to his many friends since his youth as "Duke," was born on May 26, 1907, at Winterset, Iowa, and came to Lancaster, California, with his family when he was five years old; and

WHEREAS, Mr. Wayne attended Glendale High School where he played football and excelled in debating, and then attended the University of Southern California as a scholarship student where he played tackle on the football team, was an all-around activity man and a member of Sigma Chi Fraternity; and

WHEREAS, John Wayne's first contact with the motion picture industry was when he had a summer vacation job at what was then the Fox Film Studio; and

WHEREAS, His dynamism and latent ability attracted the attention of John Ford who prodded him into taking a small role in the film "Hangman's House," and he played his first important role in the motion picture "The Big Trail" in 1929; and

WHEREAS, He won critical acclaim as a "new" star as a result of his portrayal of "Ringo Kid" in the classic film "Stagecoach"; and

WHEREAS, During his long and illustrious career, Mr. Wayne has worked in some 200 films and each year since 1949 has been listed among the Top Ten of all film stars in box office draw; and

WHEREAS, In 1952 he started his own production company, BATJAC, which has since produced a dozen or more films, including "The High and the Mighty," "Hondo," "The Alamo," "The Green Berets" and "War Wagon"; and

WHEREAS, Mr. Wayne married Pilar Pallete in 1954 and has three children: Aissa, Ethan, and Marisa, in addition to four children by his first marriage: Michael, Patrick, Toni, and Melinda; and

WHEREAS, Throughout his active career Mr. Wayne has been a dedicated advocate of the principles of Americanism and has been a steadfast and outspoken foe of totalitarianism; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members commend John Wayne upon his being selected for the Academy Award and his outstanding career as one of America's foremost actors; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a suitably prepared copy of this resolution to John Wayne.

RESOLUTION CHAPTER 94

Assembly Concurrent Resolution No. 79—Relative to the Division of Highways San Diego Maintenance Station.

[Filed with Secretary of State June 18, 1970.]

WHEREAS, The Division of Highways San Diego Maintenance Station is located in Old San Diego; and

WHEREAS, Realizing the inadequacy of the present physical facilities to handle the maintenance workload of the expanding system of state highways in the San Diego area, the division, in 1967, on the basis of relative property values, central location, and community relations, recommended to the California Highway Commission that a new maintenance station be constructed on state-owned property in Kearney Mesa; and

WHEREAS, The commission, in August 1969, rejected the recommendation of the division on the supposition that the Kearney Mesa property was too valuable to be used as a highway maintenance station; and

WHEREAS, The retention of the maintenance station at the present site represents an incompatible use of the land as contemplated by the Old San Diego Community Plan, which calls for the development of hotels, motels, and restaurants on the site; and

WHEREAS, The sale of the Old Town site of the maintenance station to private developers of Old San Diego would in all probability generate sufficient funds to purchase a site elsewhere in San Diego for the urgently needed larger maintenance station; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members request the California Highway Commission to reconsider its decision of August 1969, and to proceed to take affirmative action to discontinue use of the present site as a maintenance station, and to locate another site in San Diego for the urgently needed larger maintenance station; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the California Highway Commission.

RESOLUTION CHAPTER 95

Assembly Concurrent Resolution No. 10—Relative to a study of State School Fund transportation allowances to school districts.

[Filed with Secretary of State June 23, 1970.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Department of Education is requested to review the current laws and procedures governing the computation of the State School Fund transportation allowances to school districts and to formulate recommendations for revisions in such laws and procedures so that pupil transportation allowances may be made on a more equitable basis and in accord with simplified criteria, and to report thereon to the Legislature no later than February 1, 1971; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Superintendent of Public Instruction.

RESOLUTION CHAPTER 96

Assembly Concurrent Resolution No. 37—Relative to a study of malnutrition.

[Filed with Secretary of State June 23, 1970.]

WHEREAS, The California Legislature has determined that malnutrition in various forms exists and is detrimental to the general health and welfare of the people of California; and

WHEREAS, It is recognized that nutritional deficiencies among children present serious obstacles to their mental and physical development and educational achievement; and

WHEREAS, It is further recognized that malnutrition results from a variety of causes, among which are lack of knowledge of what constitutes a proper diet, the lack of ability to prepare nutritionally balanced diets, especially when food budgets are limited, and lack of knowledge of the importance and value of nutritionally sound diets; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the State Department of Social Welfare, the Department of Education and the Department of Public Health are hereby directed to conduct a joint study on the need for education in proper nutrition, especially among low-income families with children; and be it further

Resolved, That said departments present a joint report of their findings and recommendations, including a plan for improving nutrition educational programs, to the Legislature not later than June 1, 1970; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the State Department of Social Welfare, the Department of Education, and the Department of Public Health.

RESOLUTION CHAPTER 97

Assembly Concurrent Resolution No. 68—Relative to the Legislative Analyst.

[Filed with Secretary of State June 23, 1970.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That pursuant to Section 12036 of the Government Code, the Legislative Analyst is designated the agency to receive information from the Office of Intergovernmental Management, or its successors.

RESOLUTION CHAPTER 98

Assembly Joint Resolution No. 24—Relative to air traffic control.

[Filed with Secretary of State June 23, 1970.]

WHEREAS, The Federal Aviation Administration is currently intending to adopt air traffic rules for the control or segregation of all aircraft operated within the airspace designated by the administration as "terminal control areas" and to initially designate 22 such terminals throughout the United States (two of these terminals being Los Angeles and San Francisco); and

WHEREAS, The proposed terminal control airspace configuration will deny unnecessarily large areas of the airspace in the vicinity of the designated terminals to use by large segments of the flying public; and

WHEREAS, The State of California, represented by its Department of Aeronautics, is vigorously opposed to the method proposed by the Federal Aviation Administration for the achievement of this objective and proposes instead the channeling of air carrier type aircraft into approach and departure corridors wherein speed and rates of climb and descent are

rigidly controlled, these corridors to be sterilized of noncompatible air traffic; and

WHEREAS, The establishment of these true air corridors for the approach and departure of commercial air traffic with updated and modernized traffic control methods and equipment will resolve the serious problem of mixing different kinds of air traffic and greatly enhance air traffic safety without unnecessarily restricting the use of large areas of the airspace; 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, the Department of Transportation and the Federal Aviation Administration to take appropriate action in regards to the control of air traffic in terminal control areas, such action to be towards the utilization of a true corridor approach and departure system instead of the currently planned airspace configuration; 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 Department of Transportation and to the Administrator of the Federal Aviation Administration.

RESOLUTION CHAPTER 99

Assembly Joint Resolution No. 34—Relative to acquisition of a new training vessel for the California Maritime Academy.

[Filed with Secretary of State June 23, 1970.]

WHEREAS, The training ship S.S. Golden Bear was built in 1945 for wartime use as AKA and that she was made available to the California Maritime Academy for use as a training ship in 1946 and after 23 years of active service is showing evidence of age; and

WHEREAS, While the hull is in generally good condition, the machinery, plumbing, wiring, tank tops, berthing spaces and other details have reached a stage where only a one-time expenditure of several million dollars can ensure her continued usefulness; and

WHEREAS, The piece-by-piece patchwork with only a portion of the annual appropriated funds for the repair of the five state maritime academy training ships cannot suffice to keep the S.S. Golden Bear in reasonably safe operation; and

WHEREAS, The administrative officers of the California Maritime Academy have reviewed several possible replacement vessels; and

WHEREAS, The administrative officers of the California Maritime Academy have determined that the most suitable replace-

ment vessel would be the S.S. Crescent City now located at Suisun Reserve Fleet at Benicia, California; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the California Congressional Delegation request that the Secretary of Commerce furnish a suitable vessel as replacement for the S.S. Golden Bear; and be it further

Resolved, That the S.S. Crescent City be designated as such replacement; 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 100

Assembly Concurrent Resolution No. 150—Relative to commending the City of Modesto on its 100th anniversary.

[Filed with Secretary of State June 24, 1970.]

WHEREAS, The California Legislature has learned that the City of Modesto this year celebrates its 100th anniversary as a member of California's community of governments; and

WHEREAS, Modesto is the county seat and largest city in Stanislaus County; and

WHEREAS, The discovery of gold in California brought hordes of men rushing into the nearby Mother Lode, starting many early settlements along the river; and

WHEREAS, In 1870 surveyors laid out one of those settlements which was designated the City of Modesto; and

WHEREAS, The name for the city originated when W. C. Ralston, a prominent early Californian, declined to have the community named after him, and his modesty in declining the tribute led to the choice of the name, Modesto, Spanish for modesty; and

WHEREAS, The city is proud of its motto "Water—Wealth—Contentment—Health" which proudly delivers the message so aptly describing the growth and prosperity of the area; and

WHEREAS, Agriculture, commerce, and industry combine to provide the people of Modesto full and abundant living; and

WHEREAS, In 1954 the City of Modesto was designated All American City in recognition of citizens' participation in civic planning projects; and

WHEREAS, In 1968, the city received a national award for distinguished service and international education because

of its success in broadening its own horizons while extending understanding and friendship to foreign visitors; and

WHEREAS, Travelers to Modesto are welcomed by the nationally known Modesto Arch which extends across one of its main streets; and

WHEREAS, Citizens of the City of Modesto should be rightfully proud of its history and its heritage, and of their efforts in meeting the needs of the people as Modesto moves into the next century; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the California Legislature commends the City Council of the City of Modesto, its various governmental and civic organizations, and its citizens for 100 years of inspiring performance and congratulates the city on its centennial anniversary; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a suitably prepared copy of this resolution to the City of Modesto, California.

RESOLUTION CHAPTER 101

Senate Joint Resolution No. 23—Relative to agricultural burning.

[Filed with Secretary of State June 24, 1970.]

WHEREAS, Open agricultural burning for the disposal of unusable plant residues in fields and orchards, range burning to improve grazing lands, and open burning to remove fire hazards in forest lands produce smoke and air pollution in many areas in California; and

WHEREAS, The use of fire to control and remove weeds from levees, ditches, and drainage canals contributes to these same air pollution problems; and

WHEREAS, The use of fire to dispose of such wastes and to control the growth of weeds and brush must continue for some time because alternative methods of disposal and control are not readily available; and

WHEREAS, The State of California wishes to regulate such burning by restricting the time of burning to periods meteorologically suitable to the rapid dispersal of the smoke; and

WHEREAS, The meteorological services of the United States Weather Bureau do not provide data or coverage in many major agricultural areas of California necessary for forecasts for regulating agricultural burning or to serve other air pollution control programs; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California hereby requests the United States Department of Commerce to augment the observations and technical services of the Weather Bureau to enable it to forecast periods meteorologically suitable

for agricultural burning and to provide other meteorological data bearing on air pollution control; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Secretary of Commerce of the United States.

RESOLUTION CHAPTER 102

Senate Concurrent Resolution No. 81—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 June 24, 1970.]

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 H. P. Sullivan, 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, 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 103

Assembly Concurrent Resolution No. 160—Relative to commending Mike Masaru Masaoka.

[Filed with Secretary of State June 25, 1970.]

WHEREAS, The members have learned that Mike Masaru Masaoka is to be honored with a testimonial on July 16, 1970, by the Japanese American Citizens League at its 22nd biennial national convention in Chicago, Illinois; and

WHEREAS, Mr. Masaoka was appointed in August 1941 as JACL's first national secretary and field executive, and in that capacity he provided much of the leadership for those of Japanese ancestry in this country during World War II, in the time of their greatest travail—evacuation, relocation, and resettlement; and

WHEREAS, He was named JACL's Washington representative in the winter of 1945, following a distinguished career with the now famed 442nd Japanese American Regimental Combat Team, the most decorated military unit in American history for its size and length of service, which he helped organize and for which he was the first volunteer and for which four of his brothers volunteered, one of whom was killed in action and another 100 percent disabled, it being brought out in a congressional hearing that no other American family had more sons in frontline action at one time than the Masaoka family; and

WHEREAS, As Washington representative of JACL, he helped secure most of the legislation that benefits persons of Japanese ancestry, including the securing of naturalization

privileges for all lawfully admitted aliens, the repealing of the Japanese and other Oriental exclusion acts, the providing of some $30,000,000 in compensation for property losses in the 1942 evacuation and the extending of statehood to Hawaii; and

WHEREAS, Mike Masaoka has consistently and continually championed civil rights and opportunities for all Americans, without regard to race, color, creed, national origin, age, sex or geography, including helping to found, in the immediate postwar years, the National Civil Liberties Clearing House and the Leadership Conference on Civil Rights, as well as in the early 1950's the American Immigration and Citizenship Conference; and

WHEREAS, He was active in promoting good will and understanding between the land of his citizenship, the United States, and the country of his ancestry, Japan, by espousing the ratifications of the Japanese Peace Treaty, the Treaty of Friendship, Commerce and Navigation with Japan, and the Japan-America Treaty of Mutual Security and Cooperation; and

WHEREAS, Mike Masaoka has been hailed as "Washington's Most Successful Lobbyist" by a national magazine, as the outstanding Japanese American of the quarter-century by a national television program, as the "Voice of the Nisei" by the City of Los Angeles, and has been awarded many other honors, including the Order of the Rising Sun, the highest civilian honor that the Japanese government may confer; and

WHEREAS, He is a native Californian, having been born in Fresno in 1915, the author of The Japanese American Creed in 1940, and his many accomplishments have contributed much to California's relations with Japanese Americans and other racial and ethnic minorities, and with Japan; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Assembly are pleased to join with the Japanese American citizens and the Japanese American Citizens League in honoring Mike M. Masaoka on the occasion of this testimonial, and the members commend Mr. Masaoka for his many great contributions to our society and take this memorable occasion to wish him many more years of accomplishments and the contentment and satisfaction that Mike Masaoka and the Masaoka family so truly and richly deserve for their distinguished service to the nation; and be it further

Resolved, That the Chief Clerk of the Assembly transmit suitably prepared copies of this resolution to Mike Masaru Masaoka, to the Masaoka family, and to the Japanese American Citizens League.

RESOLUTION CHAPTER 104

Assembly Concurrent Resolution No. 65—Relative to the environment.

[Filed with Secretary of State June 25, 1970.]

WHEREAS, California is faced with serious problems in maintaining a high quality environment as the state grows and develops; and

WHEREAS, Many actions of government at every level and those of private citizens have been carried out without sufficient environmental considerations; and

WHEREAS, The State of California has embarked upon an effort to improve the allocation of funds based on major program needs through a system of planning, programming and budgeting; and

WHEREAS, This program budget can be utilized to better identify priorities for the state expenditures in relation to environmental protection and enhancement; and

WHEREAS, The program budget can also be used by the state to identify and evaluate by program many of the federal funds allocated to California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Governor is requested:

(1) To specify, beginning in the fiscal year 1971–1972, by means of the planning, programming and budgeting system, all major expenditures by program element which are related to environmental protection and enhancement;

(2) To state in his budget the criteria and guidelines used to establish the priority for environmental expenditures proposed by him;

(3) To show, as nearly as possible, all proposed federal environmentally related funds which the State of California participates in allocating or expending; and

(4) To include in his budget for the fiscal year 1971–1972 a summary of all proposed state program expenditures for environmental protection and enhancement included within the budget, along with the related federal expenditures; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor.

RESOLUTION CHAPTER 105

Senate Concurrent Resolution No. 84—Relative to the Joint Committee on Reorganization of Large Urban School Districts.

[Filed with Secretary of State June 26, 1970.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Joint Committee on Reorganization of Large Urban School Districts, as created and empowered by Resolution Chapter 290 of the Statutes of 1969 and Resolution Chapter 34 of the Statutes of 1970 and as duly constituted thereunder, is hereby continued in existence until the 30th calendar day following final adjournment of the 1970 Regular Session of the Legislature, with the same powers and responsibilities as heretofore exercised, and with the authority to file a supplemental report to its final report not later than the 30th calendar day following final adjournment of the 1970 Regular Session of the Legislature; and be it further

Resolved, That any unexpended money remaining from the sum made available to such committee from the Contingent Funds of the Assembly and Senate by Resolution Chapter 290 of the Statutes of 1969 and Resolution Chapter 34 of the Statutes of 1970 is hereby made available to the committee for the same purposes on the same terms and conditions as heretofore.

RESOLUTION CHAPTER 106

Senate Concurrent Resolution No. 85—Relative to continuance of the Joint Committee on Assessment Practices.

[Filed with Secretary of State June 26, 1970.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Joint Committee on Assessment Practices, as created and empowered by Resolution Chapter 251 of the Statutes of 1968 and as duly constituted thereunder, is hereby continued in existence, with authority to act during this session of the Legislature, including any recess, until the 30th calendar day after final adjournment of the 1970 Regular Session of the Legislature, and with authority to file its final report not later than the 30th calendar day after final adjournment of the 1970 Regular Session of the Legislature; and be it further

Resolved, That any unexpended money remaining from the sum made available to such committee from the Contingent Funds of the Assembly and Senate by Resolution Chapter 251 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 107

Assembly Concurrent Resolution No. 139—Relative to the Joint Committee on Open Space Lands.

[Filed with Secretary of State June 29, 1970]

WHEREAS, The Legislature, during the 1967 Regular Session, adopted Assembly Concurrent Resolution Number 26 (Res.

Ch. 87), and thereby established the Joint Committee on Open Space Lands; and

WHEREAS, The committee has labored diligently to carry out the instructions of the Legislature, which, as stated in Assembly Concurrent Resolution Number 26, were to:

"ascertain, study and analyze all facts relating to the grant of authority conferred upon the Legislature by Article XXVIII of the Constitution of 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 its reports its recommendations for appropriate legislation";

and

WHEREAS, The Legislature, during the 1968 Regular Session of the Legislature, adopted Assembly Concurrent Resolution Number 60 (Res. Ch. 258), which directed the committee to submit a preliminary report to the Legislature during the 1969 Regular Session, and a final report during the 1970 Regular Session; and

WHEREAS, The reports required by Assembly Concurrent Resolution Number 60 were submitted as directed; and

WHEREAS, Six bills recommended by the committee in its preliminary report were introduced and enacted during the 1969 Regular Session; and

WHEREAS, Seven bills recommended by the committee have been introduced and are now pending; and

WHEREAS, The Legislature provided, by the adoption of Assembly Concurrent Resolution Number 52 (Res. Ch. 37) during the 1970 Regular Session, that the Joint Committee on Open Space Lands should continue to exist until June 30, 1970; and

WHEREAS, The subject of the preservation of open space lands is one which requires the specific and continued attention of the Legislature; and

WHEREAS, The Joint Committee on Open Space Lands has proved to be an effective instrument for investigating the problems of open space lands and recommending appropriate legislation for the solution of such problems; and

WHEREAS, The considerations involved in the preservation of open space lands and carrying out the authority given the Legislature by Article XXVIII of the State Constitution, as well as the intent of said Article XXVIII, overlap the responsibilities and areas of interest of many of the standing committees of both the Senate and the Assembly; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Joint Committee on Open Space Lands shall continue in existence after June 30, 1970, and until 30 days after the final adjournment of the 1970 Regular Session, with authority to expend any funds heretofore or hereafter made available to it.

RESOLUTION CHAPTER 108

Assembly Concurrent Resolution No. 143—Relative to the acquisition of the U.S.S. Missouri by the City of Martinez.

[Filed with Secretary of State June 29, 1970.]

WHEREAS, The people of the City of Martinez, in Contra Costa County, have made an ambitious and innovative proposal that the City of Martinez acquire the battleship U.S.S. Missouri from the United States Navy for docking at Martinez as a national monument and vocational training center for the people of the State of California; and

WHEREAS, The location of the U.S.S. Missouri in Contra Costa County would be appropriate in view of the utmost importance to the war effort during World War II and Korea made by Camp Stoneman in Pittsburg and the continuing importance of the ammunition supply facilities in Concord and Port Chicago; and

WHEREAS, The location of the U.S.S. Missouri in Martinez would be readily accessible to members of the public in view of its central location on the West Coast; and

WHEREAS, The experiences of the acquisition by cities of the U.S.S. Alabama, the U.S.S. North Carolina, and the U.S.S. Massachusetts are ample precedent for the acquisition of the "Big Mo" by Martinez and the success enjoyed by those cities which have acquired battleships for public museums is ample justification for the acquisition; and

WHEREAS, All parties concerned are in unanimous accord that the location of the U.S.S. Missouri in Martinez is both appropriate and commendable; and

WHEREAS, The people of the Battleship Missouri Committee of Martinez, as well as the public officers and the people of Contra Costa County, have worked diligently to make possible and feasible the acquisition of the "Big Mo" by the City of Martinez and by their efforts have earned the support of the Legislature in the efforts; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members commend the citizens of Martinez and Contra Costa County and particularly the Battleship Missouri Committee of Martinez for the fresh and innovative ideas for the betterment of their community and the diligent hard work involved in making their ideas a reality, and express the united support of the Legislature of the State of California for the achievement of their goal of bringing the U.S.S. Missouri to rest in their fair city; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Battleship Missouri Committee of Martinez.

RESOLUTION CHAPTER 109

Assembly Concurrent Resolution No. 108—Relative to a memorial to the Pony Express.

[Filed with Secretary of State June 30, 1970]

WHEREAS, April 4, 1970, will mark the 110th anniversary of the departure of the first Pony Express rider from the Hastings Building, Second and J Streets, Sacramento, on the eastbound run to St. Joseph, Missouri; and

WHEREAS, The organization of the Pony Express was one of the most colorful and romantic episodes of the early history of California as a state of the American Union and of the history of the development of the West; and

WHEREAS, The State of California now owns the Hastings Building, the Sacramento headquarters of the Pony Express, which the Department of Parks and Recreation proposes to restore as a part of the Old Sacramento State Historic Park; and

WHEREAS, The Division of Highways, Department of Public Works, now owns a parcel of surplus state highway right-of-way at the intersection of Second and J Streets, opposite the Hastings Building, which has been proposed as a site for a statue of a Pony Express rider and mount, as a memorial to the Pony Express of 1860 and '61; and

WHEREAS, The City of Sacramento has available, from a bequest of the late Sophie Comstock, a portion of the funds necessary for the financing of the proposed statue and has appointed a committee for a study of the project; and

WHEREAS, The Sophie Comstock Memorial Committee has selected a sculptor and approved a model for said proposed Pony Express statue; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Department of Parks and Recreation be and is hereby requested to report to the Legislature, not later than January 15, 1971, on the following:

1. The need for and desirability of transferring said parcel of surplus highway right-of-way from the Division of Highways to the Department of Parks and Recreation to become a part of the Old Sacramento State Historic Park;

2. The desirability of the use of the parcel as a site for the proposed Pony Express memorial; and

3. An estimate of the funds required to undertake the project, over and above those presently available, and the appropriateness of the participation of the State of California in the financing of the memorial.

RESOLUTION CHAPTER 110

Assembly Concurrent Resolution No. 154—Approving amendments to the Charter of the City of Napa, County of Napa, State of California, ratified by the qualified electors of the city at a consolidated general election held therein on the 14th day of April, 1970.

[Filed with Secretary of State June 30, 1970.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of amendments 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 AMENDMENTS TO THE CHARTER OF THE CITY OF NAPA

We, the undersigned, Malcolm A. Lorente, Vice-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 herein 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 by resolution duly made and entered on the minutes of said City Council, on February 24, 1970 and March 2, 1970 duly and regularly prepared and proposed to submit to the qualified voters of said City of Napa five proposed amendments to the Charter of said City of Napa, said charter amendments being designated as Proposed Charter Amendments No. 1, No. 2, No. 3, No. 4 and No. 5 and filed in the office of the Clerk of said City of Napa on said February 24, 1970 and March 2, 1970, and further ordered that said charter amendments should be submitted to and voted upon by the qualified voters of said City at a Con-

solidated General Election called and held for that purpose in said City on the 14th day of April, 1970.

That said proposed charter amendments were published on the 4th day of March, 1970 in the Napa County Record, a newspaper of general circulation printed and published in the City of Napa, and in all editions thereof issued during said day of publication.

That said proposed charter 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 4th day of March, 1970, 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 General Municipal Election was held in said City of Napa on April 14, 1970, and that at said election a majority of the qualified voters voting thereon voted in favor of said proposed charter amendments designated as Proposed Charter Amendments No. 1, No. 2, No. 3, No. 4 and No. 5 and that the City Council of the City of Napa, as provided by law, duly and regularly canvassed the returns of said election on the 21st day of April, 1970, 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 as to the proceedings taken relating to the amendments to the Charter of the City of Napa hereinafter set forth, the provisions of Section 8, Article XI, of the Constitution of the State of California and the laws of the State of California applicable thereto have been complied with.

That said amendments to the Charter of the City of Napa, so ratified by the electors of said City of Napa, are in words and figures as follows:

Charter Amendment No. 1. That Section 10 of the Charter of the City of Napa pertaining to Qualifications of Elective Officers be amended to read as follows. Section 10. No person shall be eligible to hold any elective office in the City of Napa unless he is and has been a resident therein for a period of one year immediately preceding the date of such election, and he must continue a resident of said City during the term of his office, and if he fails to so continue a resident of said City, his office shall, by reason thereof, become vacant.

Charter Amendment No. 2. That Section 92 of the Charter of the City of Napa pertaining to Board of Equalization be repealed.

Charter Amendment No. 3. That Section 94 of the Charter of the City of Napa pertaining to Computing Tax be repealed.

Charter Amendment No. 4. That Section 97 of the Charter of the City of Napa pertaining to Tax Lien be amended by

deleting the words "Monday in" on line six of said section and substituting therefore the words "day of".

Charter Amendment No. 5. That Section 106 of the City Charter of the City of Napa be amended to read as follows: Section 106. The City of Napa may grant, extend, renew or otherwise act upon franchises as may be by ordinance hereafter enacted by the City Council of the City of Napa.

Further, that Sections 107 through and including 125 of the City Charter of the City of Napa, be repealed.

That we have compared the foregoing amendments with the original proposal submitted to the electors of said City of Napa and find that the foregoing is full, true, correct and exact copies 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 30th day of April, 1970.

(SEAL)

MALCOLM A. LORENTE
Vice-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 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 Napa, County of Napa, 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 Napa, County of Napa.

RESOLUTION CHAPTER 111

Assembly Concurrent Resolution No. 168—
Relative to joint committees.

[Filed with Secretary of State June 30, 1970.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the following joint committees

shall continue in existence for 30 days after June 30, 1970, with authority to expend any funds heretofore made available:

(1) Joint Committee on Teacher Licensing and Public School Employment.

(2) Joint Committee on Atomic Development and Space.

(3) Joint Committee on Educational Goals and Evaluation.

(4) Joint Committee on Higher Education.

RESOLUTION CHAPTER 112

Assembly Concurrent Resolution No. 170—Approving amendments to the Charter of the City of Sacramento, County of Sacramento, State of California, ratified by the qualified electors of the city at a special municipal election held therein on the 2nd day of June, 1970.

[Filed with Secretary of State June 30, 1970.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of amendments to the Charter of the City of Sacramento, a municipal corporation in the County of Sacramento, 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 SACRAMENTO OF CERTAIN CHARTER AMENDMENTS

State of California
County of Sacramento } ss
City of Sacramento

We, the undersigned, Richard H. Marriott, Mayor of the City of Sacramento, State of California, and Elmer C. Cleveland, City Clerk of said City, do hereby certify and declare as follows:

That the City of Sacramento, a municipal corporation of the County of Sacramento, State of California, now is, and was at all times herein mentioned, a City having a population of more than 50,000 inhabitants and has been, ever since the year 1921, organized, existing, and acting 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 majority of the qualified electors of said City at a Special Municipal Election held for that purpose on the 30th day of November, 1920, and approved by the Legislature of the State of California on January 24, 1921. (Statutes of 1921, page 1919).

That in accordance with the provisions of Article XI of Section 8 of the Constitution of the State of California, the City Council of the City of Sacramento, being the legislative body thereof, on its own motion duly and regularly submitted to the qualified electors of the City of Sacramento one pro-

posal for the amendment of the Charter of the City of Sacramento at the special municipal election held within the City on June 2, 1970. That said proposal was designated as Proposal A, Relating to the Sacramento City Employees Retirement System.

In accordance with the provisions of Section 8 of Article XI, of the Constitution of the State of California, and the Charter of the City of Sacramento, the said proposed amendment were published and advertised in full, on April 2, 1970, in the Sacramento Union, a daily newspaper of general circulation, printed and published in the City of Sacramento, the official newspaper of said City of Sacramento. The foregoing is shown by the affidavit of publication attached and on file in the office of the City Clerk.

The copies of said proposed amendment were printed in convenient pamphlet form and in type not less than 10-point as required by law, and copies thereof were mailed to each of the qualified electors of said City of Sacramento within the time and manner required by law.

And until the date of the Special Municipal Election, June 2, 1970, as hereinafter set forth, there was published in said Sacramento Union an advertisement stating that copies of said proposed charter amendment could be had, upon application therefor, at the office of the City Clerk of said City of Sacramento.

That copies of said pamphlet containing said proposed amendment could be had upon application therefor at the office of the City Clerk of said City at all times, to and including June 2, 1970, the date of said special election, all as required by said Section 8 of Article XI of the Constitution of the State of California.

That in accordance with the provisions of the Charter of the City of Sacramento, and in the manner provided by law, the said regular municipal election was duly and regularly held in said City on June 2, 1970, after due notice was given and published on April 2, 1970, which said last aforementioned day was not less than forty (40) nor more than sixty (60) days after the completion of the publication and advertisement of the aforementioned proposed amendment in the Sacramento Union, the official newspaper of said City of Sacramento. That at said election, a majority of the qualified electors voting upon the proposed charter amendment voted in favor of Proposal A (Relating to the Sacramento City Employees Retirement System) and ratified the same.

That thereafter the Board of Supervisors of Sacramento County, through the County Clerk, did in the manner provided by law, duly and regularly cause the canvass of the returns of said election and report the results thereof to the City Council. That the City Council did adopt a resolution approving the results of the canvass of the returns of said election, and did also by said resolution, find, determine and declare that certain proposed amendment designated as Proposal A

(Relating to the Sacramento City Employees Retirement to the Charter of the City of Sacramento, as hereinafter set forth, was ratified by a majority vote of the electors of said City voting thereon.

That as to said amendment to the Charter of Sacramento, 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 the said amendment to the Charter of the City of Sacramento so ratified by the qualified electors of said City is as follows:

PROPOSAL A

To Repeal Sections 167 to 171.5, Inclusive, and Sections 173 to 175.29, Inclusive, of Article XX, to Amend and Renumber Section 172, and to Add Article XXVIII (Commencing With §290) to the Charter of the City of Sacramento, Relating to Disability Benefits and the Retirement System for City Employees:

Sections 167 to 171.5, inclusive, and Sections 173 to 175.29, inclusive, of Article XX of the Sacramento City Charter are hereby repealed.

Section 172 of Article XX of the Sacramento City Charter is renumbered as Section 167 and amended to read as follows:

Sec. 167. Injury in Performance of Duty.

Any city employee who is a member of the Sacramento City Employees Retirement System and who shall become physically disabled by reason of any bodily injury received in the performance of his duty shall be entitled to such medical, surgical, and hospital treatment, including nursing, medicines and medical and surgical supplies and apparatus as may be required on account of such injury, the same to be provided by the city. Such injured employee shall receive full pay from the city during the continuance of his disability or until retired upon a retirement allowance, but not to exceed one year. Compensation and benefits payable to or on behalf of the employee under this section shall be reduced, in the manner fixed by the city council, by the amount of any compensation and benefits payable to or on behalf of said employee under Division 4 of the Labor Code of the State of California. Compensation and benefits paid under this section shall be considered as in lieu of compensation and benefits payable to or on account of said employee under said state law and shall be in satisfaction and discharge of the obligation of the city to pay such compensation and benefits under such state law.

The city council, by ordinance enacted by two-thirds of all members thereof, may permit employees of the city, other than those who are members of the retirement system, to receive all or a portion of the compensation and benefits provided to members of the retirement system by the provisions of this section.

Article XXVIII (commencing with §290) is hereby added to the Sacramento City Charter to read as follows:

Article XXVIII. Sacramento City Employees Retirement System.

Sec. 290. Duty to Provide Retirement System.

Subject to and consistent with the provisions of this Article, the council shall provide, by ordinance or ordinances, for the creation, establishment and maintenance of a retirement plan or plans for officers and employees of the city. Said plan or plans shall be administered as the Sacramento City Employees Retirement System.

Sec. 291. Duty to Continue Existing Systems.

The council shall provide, by ordinance or ordinances, for the continuance, as part of the retirement system, of all employee retirement plans in operation upon the effective date of this Article. Except as otherwise specifically provided in this Article, no such plan, or any provision thereof, shall be modified or amended except through the adoption of an ordinance approved by a majority of the voters voting upon such proposition at a general municipal election or a special municipal election called for such purpose. Allowances existing in favor of or on account of retired employees of the city at the time of the adoption of this Article shall be continued in force in accordance with the provisions under which said allowances were made. Except as provided in Section 354, nothing in this Article shall be construed as changing the status of members of such existing plans or the benefits thereunder.

Sec. 292. Retirement Board.

The retirement system shall be managed by a retirement board. The board shall consist of the following members:

(a) the city manager or his designated representative,

(b) the city controller,

(c) a resident of the city not connected with the government thereof,

(d) a safety member employed by the police department,

(e) a safety member employed by the fire department,

(f) a member of the system who is not a safety member employed by the police or fire department, and

(g) a member of the civil service board.

A majority of members of the board shall constitute a quorum. Action by the board shall require the affirmative vote of four members, except that a lesser number may adjourn from time to time.

Sec. 293. Same—Selection of Members.

Members of the board, other than the city manager or his designated representative and city controller, shall be selected as follows:

(a) the city resident member of the board shall be appointed by the city council,

(b) the civil service board member shall be selected by and shall serve at the pleasure of that board, and

(c) each employee member shall be selected under procedures established by the city council from members from the active, non-retired members of the group which he shall represent.

Sec. 294. Terms of Office.

The terms of office of the members, other than the city manager or his designated representative, the city controller and the civil service board representative, shall be for four (4) years, and until their successors are selected. Those members serving upon the retirement board in existence on the effective date of this Article shall continue in office until the expiration of their current terms of membership and until their successors are selected.

Sec. 295. Secretary of Board.

The city manager shall appoint a retirement system manager who shall serve as secretary of the board.

Sec. 296. Consulting Actuary and Legal Counsel for Board.

The board shall retain a consulting actuary to advise it on matters relative to funding and administration of the system. The mortality, service and other tables and the rates of contributions for members and the city as recommended from time to time by the actuary, and adopted by the retirement board, and the valuations determined by him from time to time and adopted by the retirement board, shall be binding and conclusive and the system shall be based thereon.

The city attorney shall serve as the legal counsel for the board and the retirement system.

Sec. 297. Same—Modifications of System.

The city council shall secure, through the retirement board, an actuarial report of the cost and effect of any proposed change in the benefits under the retirement system, before enacting an ordinance relating to changes in the retirement system or before voting to submit to the electorate any proposed Charter amendment or ordinance providing for such changes.

Sec. 298. Retirement Board—General Powers.

The retirement board shall be the sole authority and judge under the Charter and such general ordinances as may be lawfully adopted by the city council to implement or maintain retirement plans of this system, to determine when members may receive and may continue to receive benefits of any sort under the retirement system.

Sec. 299. Same—Administration and Investment of Funds.

The retirement board shall have exclusive control of the administration of such fund or funds as may come into the possession of the system, provided that all investment shall be investments permissible by law for investment of trust funds. The board shall adopt general investment standards which the city council shall approve or disapprove. With the ap-

proval of the city council, the board may employ investment counsel or trust companies or trust departments of banks to render services in connection with the investment program of the system.

Sec. 300. Same—Actuarial Investigations and Rate Revisions.

Periodically, at intervals determined by the city council, the board shall make an actuarial investigation into the mortality, service, salary adjustment and other experiences under the system and further shall make an actuarial evaluation of the assets and liabilitiees of the system. Upon the basis of such investigation and valuation, any necessary revisions of the tables and rates being used by the system shall thereafter be made by the board.

This section shall not apply to contributions of persons who are members of the retirement system under the retirement plan established by former Section 173 of this Charter.

Sec. 301. City Contributions for Liability Under Prior Plans.

The adoption of this Article shall not alter or modify the liability of the city, the retirement system, or its members, for retirement plans which were in existence upon the effective date of this Article, nor shall it alter or modify the method of funding such plans as prescribed in former Sections 167 to 175.29 of this Charter.

Sec. 302. Equal Shares Retirement Plan—Compulsory Membership.

Except as hereinafter provided, all persons who enter the employ of the city on or after the effective date of this Article shall become members of the Equal Shares Retirement Plan which is described in following sections of this Article. Membership in this retirement plan shall be limited to full-time officers and employees of the city and, except as provided herein, shall not include persons employed by the city on a seasonal, limited-term, part-time or substitute basis, or elective officers or appointive members of city boards and commissions. The city council, by ordinance enacted by three-fourths of all members of the council, may authorize persons employed by the city on a seasonal, limited-term, part-time or substitute basis to become members of this plan on such terms and conditions as it deems reasonable.

Sec. 303. Same—Optional Membership.

Except as hereinafter provided, persons who are members of the system under former Sections 175.1, 175.7, 175.13 and 175.21 of this Charter and who have not retired on the effective date of this Article, shall have the option of becoming members of the Equal Shares Retirement Plan. This option shall be exercised by said persons through the making of an individual affirmative irrevocable election to become members of this plan rather than to retain membership in other plans of the system.

The election shall be made by each individual member not sooner than the effective date of this Article nor later than 45 days after said effective date. The retirement board shall prescribe rules, regulations and procedures relating to the exercise of said option not inconsistent with the provisions of this section.

Sec. 304. Same—General Definitions.

The following words and phrases as used in this Article, unless a different meaning is plainly required by the context, shall have the following meaning:

"Accumulated normal contributions" shall mean normal contributions plus interest.

"Benefit" shall include "allowance", "retirement allowance", "disability retirement allowance" and "death benefit".

"Board" or "retirement board" shall mean retirement board as referred to created in Section 292 of this Charter.

"Charter" shall mean the Charter of the City of Sacramento.

"Compensation", as distinguished from benefits under the Division 4 of the Labor Code of the State of California, shall mean all remuneration whether in cash or by other allowances made by the city for service qualifying for credit under this Article, but excluding remuneration paid for overtime, remuneration paid as a credit for accumulated sick leave, and payments paid by the system in lieu of disability retirement allowance under Section 319. For the purposes of this plan, overtime is the aggregate service performed by a member in all categories of employment in excess of the hours of work considered normal for employees on a full-time basis and for which monetary compensation is paid.

"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. The computation for any absence of a member shall be based on the compensation earnable by him at the beginning of the absence and that for time prior to entering the service of the city shall be based on the compensation earnable by him in the position first held by him in such service.

"Council" or "city council" shall mean the council of the City of Sacramento.

"Final compensation" means the highest average annual compensation earnable by a member during any period of three consecutive years during his membership in the system, or if his membership is of a lesser period, it shall mean the average annual compensation earnable by the member during such period. For the purposes of this Article, periods of service separated by breaks in service may be aggregated to con-

stitute 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 computation of final compensation. If a break in service exceeded six months in duration, the first six months thereof and the compensation earnable during those six months shall be included in computation of final compensation, but time included in the break which is in excess of six months and the compensation earnable during such excess time shall be excluded in computation of final compensation.

"Former Charter Section" shall mean a section of this Charter as said section read on the date immediately preceding the effective date of this Article.

"Member of this plan" shall mean any member of the retirement system who is a member of the Equal Shares Retirement Plan created by Section 302 of this Article.

"Member" shall include miscellaneous members and safety members as herein defined.

"Military service" shall be defined by the city council. The absence of any officer or employee of the city from city service caused by reason of military service shall not be deemed to be such an absence from city service as shall break the continuity of service required of such officer or employee to entitle him to a retirement allowance under this Article. The city council may elect to provide funds sufficient to continue the contributions of members absent and in such military service, in which case the period of such absence shall be deemed service for the city.

"Miscellaneous member", or "miscellaneous officer or employee", shall mean any officer or employee who is a member of the retirement system and is not a safety member as defined in this section.

"Retirement system" or "system" shall mean Sacramento City Employees Retirement System referred to in Sections 290 and 291 of this Charter.

"Safety member" shall mean any officer or employee of the police or the fire departments whose employment therein was or shall be subject to a Charter maximum age at the time of entering employment of not over thirty-five (35) years, or such other maximum age as may be fixed from time to time by amendment to the Charter.

"Widow", "surviving wife" and "surviving spouse" shall each mean the surviving wife, or the surviving husband. In the case of a woman who is a member of the retirement system under any retirement plan other than that created by Section 302 of this Article, the terms "widow", "surviving wife" and "surviving spouse" shall mean her surviving husband only if the surviving husband is dependent upon the member for at least one-half of his support at the time of the member's death.

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.

Sec. 305. Same—Age of Voluntary and Mandatory Retirement for Service by Safety Members.

Any safety member of this plan who has completed at least five (5) years of service in the aggregate and attains the age of fifty (50) years may voluntarily retire for service under such uniform procedures as may be prescribed by ordinance enacted by the council. Safety members of this plan shall be mandatorily retired on the first day of the month next following the date on which they attain the age of sixty (60) years.

Sec. 306. Same—Service Retirement Benefits for Safety Members.

A safety member of this plan shall receive a service retirement allowance equal to the percentage of his final compensation set forth opposite his age at retirement taken to the preceding completed quarter year in the following table and multiplied by the number of years of such service with which he is credited at retirement:

Safety Members
Percentage of Final Compensation

Age of Retirement	Exact	¼	½	¾
50	1.7500	1.7825	1.8150	1.8475
51	1.8800	1.9125	1.9450	1.9775
52	2.0100	2.0425	2.0750	2.1075
53	2.1400	2.1725	2.2050	2.2375
54	2.2700	2.3025	2.3350	2.3675
55 and over	2.4000			

Sec. 307. Same—Age of Voluntary and Mandatory Retirement for Service by Miscellaneous Members.

Any miscellaneous member of this plan who has completed at least five (5) years of service in the aggregate and attains the age of fifty (50) years may voluntarily retire for service under such uniform procedures as may be prescribed by ordinance enacted by the council. Miscellaneous members of this plan shall be mandatorily retired on the first day of the month next following the date on which they attain the age of sixty-five (65) years.

Sec. 308. Same—Service Retirement Benefits for Miscellaneous Members.

A miscellaneous member of this plan shall receive a service retirement allowance equal to the percentage of his final compensation set forth opposite his age at retirement taken to the preceding completed quarter year in the following table and

multiplied by the number of years of such service with which he is credited at retirement:

Miscellaneous Members
Percentage of Final Compensation

Age of Retirement	Exact	¼	½	¾
50	1.1000	1.1325	1.1650	1.1975
51	1.2300	1.2625	1.2950	1.3275
52	1.3600	1.3925	1.4250	1.4575
53	1.4900	1.5225	1.5550	1.5875
54	1.6200	1.6525	1.6850	1.7175
55	1.7500	1.7825	1.8150	1.8475
56	1.8800	1.9125	1.9450	1.9775
57	2.0100	2.0425	2.0750	2.1075
58	2.1400	2.1725	2.2050	2.2375
59	2.2700	2.3025	2.3350	2.3675
60 and over	2.4000			

Sec. 309. Same—Maximum Service Retirement Allowance. In no event shall the service retirement allowance of any member of this plan exceed seventy-five percent (75%) of his final compensation.

Sec. 310. Same—Exemptions from Mandatory Retirement Age.

The city council may, upon the recommendation of the city manager, extend for periods of one (1) year each and not to exceed a total of five (5) years, the mandatory retirement age of any member of this plan who is exempt from the rules and regulations of the civil service board under Section 43 of this Charter and resolutions adopted thereunder.

Sec. 311.. Same—Retirement for Industrial Disability.

Any member of this plan who becomes incapacitated for the performance of his duty by reason of any bodily injury or physical illness caused by or in performance of his duty shall be retired on an industrial disability retirement if it is determined by the retirement board that the incapacity of the member is of an extended and uncertain duration.

Sec. 312. Same—Industrial Disability Retirement Benefits.

If a member of this plan who is entitled to industrial disability retirement benefits is not qualified for voluntary service retirement, he shall receive a disability retirement allowance equal to fifty percent (50%) of his final compensation. If such member is qualified for voluntary service retirement, he shall receive a disability allowance of an amount equal to the service retirement allowance he would have received if he had elected to retire from service on the date when the retirement board orders his retirement for industrial disability, or an allowance equal to fifty percent of his final compensation, whichever amount is greater.

Sec. 313. Same—Retirement for Ordinary Disability.

Any member of this plan who becomes incapacitated for performance of his duty by reason of a bodily injury or physi-

cal or mental illness and who has completed ten years of service in the aggregate shall be retired on an ordinary disability retirement allowance if it is determined by the retirement board that the incapacity of the member is of an extended and uncertain duration and that the member is not entitled to an industrial disability retirement.

Sec. 314. Same—Ordinary Disability Retirement Benefits for Safety Members.

If a safety member of this plan who is entitled to ordinary disability retirement benefits is not qualified for voluntary service retirement, he shall receive a disability retirement allowance of 1½% of final compensation for each year of service, but in no event shall said allowance be less than twenty-five percent (25%) of his final compensation. If any such safety member is qualified for voluntary service retirement, he shall receive a retirement allowance of an amount equal to the service retirement allowance he would have received if he had elected to retire for service on the date when the retirement board orders his retirement for disability, or an allowance equal to twenty-five percent (25%) of his final compensation, whichever amount is greater.

Sec. 315. Same—Ordinary Disability Retirement Benefits for Miscellaneous Members.

If a miscellaneous member of this plan who is entitled to ordinary disability retirement benefits is not qualified for voluntary service retirement, he shall receive a disability retirement allowance of 1½% of final compensation for each year of service. In no event shall said allowance be less than twenty-five percent (25%) of his final compensation nor shall said allowance if it exceeds twenty-five percent (25%) of his final compensation be greater than the service retirement allowance to which he would have been entitled if he had remained in the continuous employ of the city until attaining the age of fifty (50), and had immediately retired upon attaining said age with the same final compensation as is used to compute his disability benefits under this section. If any such miscellaneous member is qualified for voluntary service retirement, he shall receive a disability retirement allowance of an amount equal to the service retirement allowance he would have received if he had elected to retire from service on the date when the retirement board orders his retirement for disability, or an allowance equal to twenty-five percent (25%) of his final compensation, whichever amount is greater.

Sec. 316. Same—Procedures to Initiate Disability Retirement.

The retirement of any member of this plan for industrial or ordinary disability retirement may be initiated by the retirement board on its own motion, by recommendation of the city manager, or at the request of the member, his spouse, next of kin, legal guardian or conservator.

Sec. 317. Same—Time for Filing Application for Disability Retirement.

The retirement for disability shall be initiated within such time periods as may be prescribed by ordinance or ordinances enacted by the city council.

Sec. 318. Same—Board Consideration of Disability Retirements.

The city council may by ordinance prescribe procedures to be followed by the retirement board in the consideration of matters relating to the granting or denial of disability retirements.

Sec. 319. Same—Transfer, Reassignment, etc. to Other Employment in Lieu of Disability Retirement.

If the retirement board finds, after considering medical advice, that a member of this plan, although incapacitated for the performance of his duties, is capable of performing other duties in the service of the city, and is under the age of eligibility for voluntary service retirement, the member shall not be entitled to a disability retirement allowance if the city manager, within five (5) days of said finding, offers such a member an immediate transfer, reassignment, or other change to a position with duties within his capacity to perform with his disability. If the compensation to the member in the new position is less than that of the member in the position from which he was disabled, the retirement board, in lieu of a disability retirement allowance, shall pay him the difference in such compensation until his compensation in the new position equals the compensation he received in the former position at the time he was disabled. Such payments in lieu of disability retirement allowance, to the extent that they do not exceed the amount of the disability retirement allowance to which said member would have been entitled at the time of his retirement for disability, shall be considered as a liability of the retirement system, and any amount in excess of said allowance shall be charged to the city.

Upon attaining the age of voluntary retirement applicable to said member prior to his transfer to the new position, or upon suffering any subsequent disability rendering said member incapable of performing his new duties, he shall be entitled to retire. Upon such retirement he shall be entitled to receive the same benefits as are allowed to other members of this plan retiring under similar conditions; provided, however, that in no event shall the benefits received be less than the benefits he would have received if he had initially retired for disability and had not been transferred or reassigned to a new position.

The civil service board, notwithstanding any other provision in this Charter to the contrary, shall adopt reasonable rules and regulations to implement the provisions of this section insofar as it requires procedures to allow the city manager to effectuate a transfer, reassignment or other change of position as herein provided.

Sec. 320. Same—Employment by City After Retirement.

No member of this plan retired for service or retired for dis-

ability shall thereafter be employed by the city unless he has been reinstated in accordance with the procedures prescribed for reinstatement.

Sec. 321. Same—Employment After Disability Retirement.

Should any member of this plan retired for disability engage in a gainful occupation prior to attaining the age on which he would have been entitled to voluntary retirement for service, the retirement board on its own motion or upon request of the city manager, shall reduce that part of his monthly retirement allowance which is provided by the contributions of the city so that the resultant retirement allowance (insofar as it still includes a portion provided by contributions of the city), when added to the amount earned monthly by him in such occupation, will not exceed the greater of the following:

(a) the amount of his final compensation, or

(b) the amount of the compensation earnable by a person holding the position in the same salary step which he held at the time of his retirement, or if the position has been abolished, the maximum compensation earnable by the member holding it immediately prior to its abolition.

The reduction provided for in this section shall terminate when said member attains the age of eligibility for voluntary service retirement.

Sec. 322. Same—Determination of Continuance of Disability.

The retirement board may require any member of this plan retired on a disability retirement and under the applicable age of voluntary service retirement to undergo medical examinations from time to time without cost to the member. The examinations shall be made by a physician or surgeon appointed by the board at the place of residence of the member or other place mutually agreed upon. Upon the basis of such examinations, the board shall determine whether the member is still physically or mentally incapacitated for service with the city in the position held by him when retired for disability.

Sec. 323. Same—Determination that Member not Incapacitated.

If the retirement board finds, after considering medical advice, that a member of this plan retired on a disability retirement is not physically or mentally incapacitated for service in the office or department of the city where he was employed and in the position held by him when retired for disability, he shall be eligible for reinstatement in the city service and his retirement allowance shall be canceled forthwith upon reinstatement. If a retired member eligible for reinstatement does not reenter city employment within thirty (30) days of the date when reemployment is made available to him, his retirement allowance shall be permanently canceled. The civil service board, notwithstanding any other provision of the Charter to the contrary, shall adopt rules and regulations establishing reasonable procedures which permit the reinstatement of such members.

Sec. 324. Same—Refusal to Submit to Medical Examination.

If any member of this plan retired on a disability retirement and under the applicable age of voluntary service retirement refuses to submit to medical examination, his retirement allowance shall be discontinued until his withdrawal of such refusal, and if his refusal continues for three (3) months, his retirement allowance shall be canceled.

Sec. 325. Same—Medical Service and Advice.

The retirement board, with the approval of the city council, shall secure such medical, investigatory and other services and advice as is necessary to carry out the purpose of Sections 320 to 323. It shall pay such compensation as it deems reasonable for such services and advice.

Sec. 326. Same—Re-entry into City Service.

If, under the provisions of Section 323, a member of this plan retired for disability is determined by the board to be no longer incapacitated and re-enters the service of the city, his disability retirement allowance shall cease immediately upon such re-entry. If such person again becomes a member of this plan, his age at the time of his original entry into the system shall be the age upon which his current rate of contribution is computed. He shall receive credit for his aggregate service as it existed at the time of his disability retirement.

Sec. 327. Same—Cancellation of Retirement Allowance for Other than Re-entry into City Service.

If the retirement allowance of any member of this plan retired for disability is canceled for any cause other than re-entrance into city service, and if he does not re-enter city service, an amount which is the actuarial equivalent of his annuity at cancellation, based on a disabled life, but not to exceed the amount of his accumulated contributions at the time of his retirement for disability, shall be credited to his individual account, and shall be refunded to him.

Sec. 328. Same—Reduction by Certain Workmen's Compensation Benefits.

That portion of any allowance payable because of the death or retirement of any member of this plan which is provided by contributions of the city shall be reduced, in the manner fixed by the city council, by the amount of any benefits other than medical benefits, payable to or on account of such person under Division 4 of the Labor Code of the State of California and because of the injury or illness resulting in said death or retirement. Such portion as is paid because of death or retirement which resulted from injury received in or illness caused by performance of duty shall be considered as in lieu of any benefits, other than medical benefits, payable to or on account of such person under said law, and shall be in satisfaction and discharge of the obligation of the city to pay such benefits.

Sec. 329. Same—Industrial Death Allowances.

If a member of this plan shall die before retirement by reason of an injury received in, or illness caused by the per-

formance of his duty, a death allowance shall be paid, beginning from the day next following the date of death, to his surviving wife throughout her life or until her remarriage. If the member, at the time of death, was qualified for voluntary service retirement, but had not retired, the allowance payable shall be equal to the retirement allowance which the member would have received if he had been retired for service on the day of death, but such allowance shall not be less than fifty percent (50%) of his final compensation. If death occurs prior to qualification for voluntary service retirement, the allowance payable shall be equal to fifty percent (50%) of his final compensation.

Sec. 330. Same—Continuation of Benefits After Death of Retired Member.

Upon the death of a member of this plan after qualification for voluntary service retirement, or after retirement for service or because of disability, and if no allowance is payable under Section 329, one-half of the retirement allowance which he would have been entitled to if he had retired at the time of death, or one-half of his retirement allowance, as the case may be, shall be continued throughout life or until remarriage, to his surviving wife.

Sec. 331. Same—Death Benefit Upon Death in Service, etc. when Death not Compensable under Sections 329, 330.

If any member of this plan shall die before retirement and if no allowance shall be payable under Sections 329 and 330, and if death shall occur not later than the last day for which he receives compensation, or within four months after the last day for which the member receives compensation, or while the member is physically or mentally incapacitated for the performance of his duties, and if such incapacity has been continuous from such last day to the date of death, a death benefit shall be paid to his surviving spouse, or if he leaves no surviving spouse, to his estate or designated beneficiary, consisting of an amount equal to one-twelfth of the compensation earnable by him during the twelve months immediately preceding death multiplied by his completed years as a member of the system not to exceed six, plus his accumulated contributions and interest credited thereon.

Sec. 332. Same—Death Benefit after Retirement.

Upon the death of a member after retirement and regardless of the cause of death, the sum of Five Hundred Dollars ($500) shall be paid to his estate or designated beneficiary.

Sec. 333. Same—Alternative Beneficiary.

If there be no surviving wife entitled to an allowance under Sections 329 and 330, or if she die or remarry before every child of such deceased member attains the age of eighteen years, then the allowance which the surviving wife 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 eighteen years. Should said member leave no surviving wife and no children under the age of eighteen 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 wife otherwise would have received, during such dependency.

Sec. 334. Same—Optional Death Benefit.

The surviving wife, in the event of death of the member after qualification for but before service retirement, may elect before the first payment of the allowance, to directly receive a benefit equal to that provided in Section 331 in lieu of the allowance which otherwise would be continued to her under this Article. If there be no surviving wife, the guardian of the child or children under age of eighteen, may make such election, and if there are no such children, the dependent parent or parents may make such election.

Sec. 335. Same—Date of Marriage.

No allowance shall be paid under this plan to a surviving wife unless she was married to the member prior to the date of the injury or onset of the illness which results in death prior to retirement, or if death occurs after retirement, unless she was married to the member at least one year prior to retirement.

Sec. 336. Same—Dissolution of Remarriage.

Notwithstanding any provision in this Article to the contrary, whenever a benefit payable to the surviving spouse under this Article terminates or is reallocated because of the remarriage of the spouse, the termination or reallocation of the benefit shall be only for the period of remarriage, and in the event that the surviving spouse resumes the status of an unmarried person, the benefit shall be fully reinstated and reallocated to the surviving spouse for said unmarried periods.

Sec. 337. Same—Refund of Contributions upon Termination of Employment.

Except as otherwise provided in Section 327, should any member of this plan cease to be employed by the city, 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 council to cover similar terminations of employment and re-employment with and without redeposits of withdrawn accumulated contributions, of other members of the retirement system.

Sec. 338. Same—Election to Take Deferred Retirement.

Any member described in Section 337 who has completed at least five years of service in the aggregate shall have the right to elect, within 90 days after said termination of service, or if the termination was by lay-off, within 90 days after the retirement board determines the termination to be permanent,

whether to allow his accumulated contributions to remain in the retirement fund for purposes of obtaining a deferred retirement. Failure to make such election shall be deemed an irrevocable election to withdraw his accumulated contributions. If said member elects to allow his accumulated contributions to remain in the retirement fund he may revoke said election at any time prior to retirement and receive a refund of his accumulated contributions in the manner provided by Section 337.

Sec. 339. Same—Deferred Service Retirement.

A member of this plan whose membership continues under Section 338 is subject to the same age requirements as apply to other members for service retirement. After the qualification of such member for retirement by attaining the applicable age of voluntary service retirement, he shall be entitled to receive a retirement allowance based upon his age and service standing to his credit at the time of cessation of employment with the city in the same manner as for other members.

Sec. 340. Same—Deferred Disability Retirement.

A member of this plan whose membership continues under Section 338 and who becomes disabled by reason of a bodily injury or physical or mental illness may retire for disability. If said member is qualified for voluntary service retirement, he shall receive an allowance of an amount equal to the deferred service retirement he would have received if he had elected to retire from service on the date when the retirement board authorizes his retirement for disability. If said member is not qualified for voluntary service retirement, he shall receive a disability retirement allowance of 1.5% of final compensation for each year of service, but in no event shall said allowance exceed the service retirement allowance to which said member would be entitled upon attainment by him of age fifty (50).

Sec. 341. Same—Continuation of Benefits After Death of Member Retired Under Section 338.

Upon the death of a member who has retained membership in this plan under Section 338, after qualification for voluntary service retirement, or after retirement for service or because of disability, one-half of the retirement allowance to which he would have been entitled had he retired at the time of death, or one-half of his retirement allowance, as the case may be, shall be continued throughout life or until remarriage, to his surviving wife. The provisions of Sections 333, 334, 335 and 336 shall be applicable to the allocation or reallocation of said benefits.

Sec. 342. Same—Death Benefit Upon Death When Death not Compensable Under Section 341.

If any member of this plan shall die before retirement and if no allowance shall be payable under Section 341, a death benefit

shall be paid to his surviving spouse, or if he leaves no surviving spouse, to his estate or designated beneficiary, consisting of an amount equal to one-twelfth of the compensation earnable by him during the twelve months immediately preceding the date of his cessation of employment with the city multiplied by his completed years as a member of the system not to exceed six (6), plus his accumulated contributions and interest credited thereon.

Sec. 343. Same—Service Retirement Benefits for Members Attaining Mandatory Retirement Age and Not Otherwise Entitled to Benefits.

Any member of this plan who has attained the mandatory retirement age applicable to him and who has not completed at least five years of service in the aggregate shall be entitled to retire for service. The retirement allowance of such a member shall be computed in the same manner as any other member.

Sec. 344. Same—Optional Allowances.

At the date of retirement for service or retirement for disability:

(a) if a member of this plan has no wife, children or dependent parents who would qualify for the continuance of an allowance after the death of said member, the member may elect before the first payment of the retirement allowance is made to receive the actuarial equivalent of his allowance, partly in a lesser allowance to be received by him throughout his life and partly in other benefits payable after his death to another person; or

(b) if a member of this plan has a wife or children or dependent parents who would qualify for the continuance of an allowance after the death of said member, the member may elect before the first payment of the retirement allowance is made to receive the actuarial equivalent of that portion of his allowance which would not be continued to his eligible survivors upon his death, partly in a lesser allowance to be received by him throughout his life and partly in other benefits payable after his death to another person or persons, including one or more of his eligible survivors.

An election under this section shall be subject to all the conditions prescribed by ordinance to govern similar elections by other members of the retirement system, including the character and amount of such other benefits.

Sec. 345. Same—Equal Shares Funding: Legislative Intent.

It is the intent of this Article to establish an Equal Shares concept of retirement plan funding which shall require that all costs of benefits, from whatever source resulting, attributable to or based on service on and after April 1, 1935, payable to or

on account of persons who are members under this plan shall be borne equally on a share and share alike basis by the members of the plan as a group on one hand, and the city on the other. The term "costs" as used herein and in succeeding sections shall not include the reasonable administrative costs of the retirement system.

Sec. 346. Same—Member Contributions.

The normal rate of contribution of each member of this plan shall be determined as follows:

(a) Periodically, at the time of the actuarial investigations under Section 300, the retirement board shall determine the projected costs of providing any and all benefits established for persons who are members of the system under this plan. Costs shall be segregated between those attributable to the benefits established for safety members and those attributable to benefits established for miscellaneous members and further segregated for service on and after April 1, 1935.

(b) Upon recommendation of the consulting actuary, the retirement board shall adopt a rate of contribution applicable to all members of this plan who are safety members and a rate of contribution applicable to all members of this plan who are miscellaneous members. The contribution rate for each group shall be such that when applied to the respective factors outlined in subsection (c) of this section, there shall be generated an amount sufficient to fund one-half of the projected costs of benefits attributable to or based on service after April 1, 1935, for all members of the respective group. The rate so developed shall be called the group rate.

(c) The contribution rate of each individual member of this plan shall be determined by multiplying the group rate established in subsection (b) of this section, by the factor applicable to his nearest age at the effective date of his membership in the retirement system as set forth in the following tables:

Safety Members

Age at Entry	Factor	Age at Entry	Factor	Age at Entry	Factor
21	.801	30	1.006	40	1.234
22	.824	31	1.029	41	1.257
23	.847	32	1.052	42	1.279
24	.869	33	1.074	43	1.032
		34	1.097	44	1.325
25	.892	35	1.120	45	1.348
26	.915	36	1.143	46	1.371
27	.938	37	1.165	47	1.393
28	.960	38	1.188	48	1.416
29	.983	39	1.211	49 and over	1.439

Miscellaneous Members

Age at Entry	Factor	Age at Entry	Factor	Age at Entry	Factor
20 and under	.800	35	.984	50	1.167
21	.812	36	.996	51	1.179
22	.825	37	1.008	52	1.192
23	.837	38	1.020	53	1.204
24	.849	39	1.033	54 and over	1.216
25	.861	40	1.045		
26	.874	41	1.057		
27	.886	42	1.069		
28	.898	43	1.082		
29	.910	44	1.094		
30	.923	45	1.106		
31	.935	46	1.118		
32	.947	47	1.130		
33	.959	48	1.143		
34	.971	49	1.155		

Said factors may be revised from time to time by the retirement board, but in no event shall the total amount of member contributions calculated to be produced by the use of said factors be greater or less than an amount necessary to provide one-half of the total projected costs as described in Section 345.

(d) There shall be deducted from each payment of compensation made to a member of this plan a sum determined by applying the member's normal contribution rate to such compensation. 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 compensation it was deducted and the total of said contributions, together with interest credited thereon in the same manner as is prescribed by the council for crediting interest to contributions of the retirement system, shall be applied to provide part of the retirement allowance or benefit payable to or on account of said member.

(e) Contributions based on membership in the retirement system and deducted prior to the effective date of their membership in this plan, from compensation of persons who become members under Section 303, and standing with interest thereon, to the credit of such members on the records of the retirement system on the date of their membership in this plan, shall continue to be credited thereon 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.

Sec. 347. Same—City Contributions.

The city shall contribute to the retirement system each year an amount arrived at as follows:

(a) for benefits on account of service on and after April 1, 1935, an amount equal to the aggregate of the contributions deducted through payroll deductions from the members during that year, and

(b) for benefits on account of service prior to April 1, 1935, the cost of providing such benefits.

Sec. 348. Same—Interim Rates of Contributions.

Upon the effective date of this Article, group rates of contributions for members of this plan shall be as follows:

(a) Safety members—10.10 percent (10.10%) of salaries,

(b) Miscellaneous members—8.06 percent (8.06%) of salaries.

Said group rates of contributions shall thereafter be determined and recommended by the actuary. Said contribution rates shall be changed by the board on the basis of such actuarial determination and recommendation in the manner provided in Section 346.

Sec. 349. Same—Computation of Time and Service.

The following time and service shall be included in the computation of the service to be credited to a member of this plan for the purpose of determining whether such member qualifies for retirement and of calculating benefits, but only if withdrawn accumulated normal contributions based on such time and service, have been or are redeposited in the retirement system:

(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 service as an employee of the city.

(2) Service as a safety member shall be credited upon a change in service category of such a member which causes him to become a miscellaneous member; provided, that the accumulated normal contributions standing to the credit of such member, including amounts redeposited by him, shall be adjusted by refund to the member or by payment by the member to bring the amount of said accumulated contributions to the amount which would have been credited to him had the member been a miscellaneous member throughout the period of his service as a safety member at the compensation he received as such a safety member. For all purposes thereafter, and so long as he remains in such category, the member shall be a miscellaneous member.

(3) Service as a miscellaneous member shall be credited upon a change in service category of such member which causes him to become a safety member; provided, that the accumulated normal contributions standing to the credit of such member, including amounts redeposited by him, shall be adjusted by refund to the member or by payment by the member to bring the amount of said accumulated contribu-

tions to the amount which would have been credited to him had the member been a safety member throughout the period of his service as a miscellaneous member at the compensation he received as a miscellaneous member. For all purposes thereafter, and so long as he remains in such category, the member shall be a safety member.

(4) Time during which said member is absent in military service from employment making him a member of this plan; provided, however, that such member shall be entitled to receive credit for such time as service for the city only in the event contributions are made by or for him for such service credit, as provided by the council.

(5) Service prior to April 1, 1935, determined and credited as prescribed by the council for other members of the system.

(6) Any service outside the limits of the city performed by a member of the system and authorized within the member's scope of employment or under the orders of a supervisor or managing superior of such member who was employed by the city at the time of said service, shall be considered as city service, and any injury, disability or death incurred in the performance of such service shall be covered under the provisions of this Article and Section 167 of Article XX of this Charter.

Sec. 350. Social Security Coverage.

The city council shall enact an ordinance or ordinances prescribing the conditions according to which any and all employees of the city, other than safety members, as defined in Section 304, may be covered under the Federal Old Age, Survivors and Disability Insurance provisions of the Federal Social Security Act. The provisions of said ordinance or ordinances shall substantially conform to the provisions of former Section 175 12.5 of this Charter with such modifications as are necessary to make the provisions of said section applicable to miscellaneous members of the Equal Shares Retirement Plan.

Sec. 351. Validation of Former Charter Sections Granting Increased Pensions to Retired Persons.

All provisions of former Sections 173.2, 173.3, 173.4, and 173.5 of this Charter granting increased retirement allowances to or on account of retired members of the Sacramento City Employees' Retirement System shall be continued as an ordinance of the city and shall continue in effect until otherwise repealed by subsequent amendment of this Charter. The provisions of former Section 175.29 of this Charter shall be continued in effect as an ordinance of the city but only insofar as necessary to continue in effect cost of living adjustments and the funding of such adjustments which have been made under said section and are in effect prior to July 1, 1970.

Sec. 352. Employees of City Health Department.

The city council shall enact an ordinance or ordinances prescribing the conditions according to which all employees of the health department of the city who were members of the Sacramento City Employees Retirement System and who, as

provided in Section 108.2 of this Charter, were transferred to and became employees of the health department of Sacramento County, may retain their membership in the Sacramento City Employees' Retirement System. The provisions of said ordinance or ordinances shall conform to the provisions of former Section 175.27 of this Charter.

Sec. 353. City Employees Transferred to Sacramento County.

The city council shall enact an ordinance or ordinances prescribing the conditions according to which any and all employees of the city, who are members of the Sacramento City Employees' Retirement System and who, on or after January 1, 1963, are transferred to and become employees of Sacramento County and members of the Sacramento County Employees' Retirement System, as part of any consolidation of city functions with, or transfer of city functions to, Sacramento County, may retain their membership in the Sacramento City Employees' Retirement System. The provisions of said ordinance shall substantially conform to the provisions of former Section 175.27 of this Charter with such modifications as are necessary to make the provisions of said section applicable to the transferred employees.

Sec. 354. Automatic Cost of Living Adjustment.

The city council shall enact an ordinance or ordinances prescribing the conditions according to which, as of July 1, of each year, commencing with the year 1970, every monthly allowance payable to or on account of any person who has retired or died or who shall retire or die as a member of the retirement system and whose retirement or death occurred prior to July 1 of the preceding year, shall be increased or decreased by a percentage of the total allowance then being received which shall approximate, to the nearest one-tenth of one percent, the percentage of annual increase or decrease in the cost of living during the preceding calendar year, as determined by the retirement board; provided, that such increase or decrease shall not exceed three percent of any allowance in any year, regardless of the percentage of change in such cost of living. Such increases in allowances as shall be payable pursuant to this section shall be funded insofar as possible from moneys in the contingency reserve of the retirement system which are in excess of three percent (3%) of the total assets of the retirement system on July 1, 1970, and by such money from such contingency reserve as should be determined by the retirement board as of June 30, of each year thereafter, to be in excess of three percent (3%) of the total assets of the retirement system as of that date. Any additional money required for such increases shall be provided by equal contributions from the contributing members of the system and from the city at rates fixed by the retirement board as it shall determine to be necessary, and to be designated "cost of living contributions". The individual

member's contribution shall be graded in proportion to the member's normal contribution.

Except as otherwise provided herein, the provisions of said ordinance or ordinances shall substantially conform to the provisions of former Section 175.29 of this Charter.

Sec. 355. Governmental Employeees Transferred to City.

A person who comes into the employ of the city after the effective date of this Article and who was in public service with a public agency whose functions were assumed by the city (by contract, merger, annexation, or otherwise) and who in connection with such assumption of functions was transferred to and became an employee of the city shall be eligible for membership in the Equal Shares Retirement Plan created by Section 302 of this Article upon the same terms as any other member of said plan notwithstanding any other provision of this Article or Charter to the contrary. The city council may, by ordinance enacted by seven-ninths of its membership, prescribe terms and conditions under which such transferred employee may receive credit for all or any part of his public service time with the public agency whose functions were assumed by the city. Such ordinance shall include reasonable requirements for funding of such public service credit.

Sec. 356. Rules and Regulations.

The retirement board may adopt rules and regulations consistent with this Article to implement and carry out its provisions.

Sec. 357. Conflicting Charter Provisions.

Any section or part of any section in this Charter, insofar as it should conflict with the sections of this Article or with any part thereof, shall be superseded by the contents of said sections. In the event that any word, phrase, clause or section of these sections shall be adjudged unconstitutional, the remainder thereof shall remain in full force and effect.

Sec. 358. Effective Date.

This Article and amendments to this Charter made at the time of this Article is adopted and as part of the same proposal submitted to the electors of the city are intended to take effect on July 1, 1970. In the event that this Article and the amendments are adopted by the electors of the city but for any reason are not ratified by the Legislature on or prior to July 1, 1970, then, in such event, they shall take effect on the first day of the month next following their ratification by the Legislature.

We further certify that we have compared the foregoing ratified amendments to the Charter of the City of Sacramento with the original proposal submitted to the electors of said City, and find that the foregoing is a full, true, and correct and exact copy of such amendment.

In witness whereof, we have hereunto set out hands and caused the Seal of said City of Sacramento to be affixed hereto on

(SEAL)

RICHARD H. MARRIOTT
Mayor
City of Sacramento
ELMER C. CLEVELAND
City 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 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 Sacramento, County of Sacramento, 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 Sacramento, County of Sacramento.

RESOLUTION CHAPTER 113

Assembly Constitutional Amendment No. 50—A resolution to propose to the people of the State of California an amendment to the Constitution of the state, by amending and renumbering Section 22 of Article XX thereof, adopted November 6, 1934, relating to interest rates.

[Filed with Secretary of State June 30, 1970]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1970 Regular Session commencing on the fifth day of January, 1970, 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 and renumbering Section 22 of Article XX thereof, adopted November 6, 1934, to read:

SEC. 24. The rate of interest upon the loan or forbearance of any money, goods or things in action, or on accounts after demand or judgment rendered in any court of the State, shall be 7 per cent per annum but it shall be competent for the parties to any loan or forbearance of any money, goods or

things in action to contract in writing for a rate of interest not exceeding 10 per cent per annum.

No person, association, copartnership or corporation shall by charging any fee, bonus, commission, discount or other compensation receive from a borrower more than 10 per cent per annum upon any loan or forbearance of any money, goods or things in action.

However, none of the above restrictions shall apply (a) to any loan made to a corporation or to a partnership if the principal amount of the loan contracted for is one hundred thousand dollars ($100,000) or more or to any forbearance granted to a corporation or to a partnership in connection with any such loan, nor (b) to any building and loan association as defined in and which is operated under that certain act known as the "Building and Loan Association Act," approved May 5, 1931, as amended, or to any corporation incorporated in the manner prescribed in and operating under that certain act entitled "An act defining industrial loan companies, providing for their incorporation, powers and supervision," approved May 18, 1917, as amended, or any corporation incorporated in the manner prescribed in and operating under that certain act entitled "An act defining credit unions, providing for their incorporation, powers, management and supervision," approved March 31, 1927, as amended or any duly licensed pawnbroker or personal property broker, or any bank as defined in and operating under that certain act known as the "Bank Act," approved March 1, 1909, as amended, or any bank created and operating under and pursuant to any laws of this State or of the United States of America or any nonprofit cooperative association organized under Chapter 4 of Division VI of the Agricultural Code in loaning or advancing money in connection with any activity mentioned in said title or any corporation, association, syndicate, joint stock company, or partnership engaged exclusively in the business of marketing agricultural, horticultural, viticultural, dairy, live stock, poultry and bee products on a cooperative nonprofit basis in loaning or advancing money to the members thereof or in connection with any such business or any corporation securing money or credit from any Federal intermediate credit bank, organized and existing pursuant to the provisions of an act of Congress entitled "Agricultural Credits Act of 1923," as amended in loaning or advancing credit so secured, nor shall any such charge of any said exempted classes of persons be considered in any action or for any purpose as increasing or affecting or as connected with the rate of interest hereinbefore fixed. The Legislature may from time to time prescribe the maximum rate per annum of, or provide for the supervision, or the filing of a schedule of, or in any manner fix, regulate or limit, the

fees, bonus, commissions, discounts or other compensation which may be charged or received in connection with the exempted classes of loans or which all or any of the said exempted classes of persons may charge or receive from a borrower in connection with any loan or forbearance of any money, goods or things in action.

The provisions of this section shall supersede all provisions of this Constitution and laws enacted thereunder in conflict therewith.

RESOLUTION CHAPTER 114

Senate Concurrent Resolution No. 62—Relative to the Joint Legislative Budget Committee.

[Filed with Secretary of State July 2, 1970.]

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 ninety-three thousand four hundred dollars ($993,400), 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 Joint Legislative Budget Committee or its members pursuant to and under the authority of law or the provisions of Joint Rule No. 37.

RESOLUTION CHAPTER 115

Senate Concurrent Resolution No. 83—Approving the charter amendments to the Charter of the City of Albany, State of California, ratified by the qualified electors of said city at the general municipal election therein on the 14th day of April, 1970.

[Filed with Secretary of State July 2, 1970.]

WHEREAS, The City of Albany, County of Alameda, State of California, contains a population in excess of 3500 inhabitants, and has been ever since the year 1927 and now is, organized and acting under a charter, adopted under and by virtue 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 the special municipal election held for that purpose on the 26th day of March, 1927, and approved by the Legislature of the State of California (Statutes 1927, Chapter 53, page 2312); and

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of certain amendments to the Charter of

the City of Albany, as set out in the certificate of the Mayor and City Clerk of the City of Albany, to wit:

CERTIFICATE OF ADOPTION BY THE QUALIFIED ELECTORS OF THE CITY OF ALBANY AT THE GENERAL MUNICIPAL ELECTION HELD ON THE 14TH DAY OF APRIL, ONE THOUSAND NINE HUNDRED AND SEVENTY, OF CERTAIN AMENDMENTS TO THE CHARTER OF ALBANY, STATE OF CALIFORNIA.

State of California }
County of Alameda } ss.
City of Albany }

We, Hubert F. Call, Mayor of the City of Albany, and John L. Klavohn, 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 3500 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 the 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 certain amendments to the Charter of said city, and ordered that said amendments be submitted to said electors of said city at the General Municipal Election to be held in said city on the 14th day of April, 1970; and

That said proposed amendments were, on the 25th day of February, 1970, 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. 70-37, which was duly adopted on the 9th day of March, 1970, call for and give notice of the General Municipal Election in the City of Albany on the 14th day of

April, 1970, which date was more than 40 days and less than 60 days after the completion of the publication of the said proposed amendments to the Charter of the City of Albany, as aforesaid; and

That said General Municipal Election was held in said city on said 14th day of April, 1970, which date was more than 40 days and less than 60 days after said proposed amendments to said Charter had been published in said "Albany Times, as aforesaid; and

That at said General Municipal Election held as aforesaid on said 14th day of April, 1970, a majority of the voters voted in favor of two (2) of the proposed amendments, as hereinafter set forth, to the Charter of the City of Albany, and duly ratified same; and

That the City Council of the City of Albany, after duly canvassing the returns of said General 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 two (2) of the proposed amendments to the Charter of the City of Albany, which amendments are in words and figures as follows, to wit:

Proposed Charter Amendment No. 1

That subsections (d) and (g) of Section 38 of the Charter of the City of Albany be amended by deleting the following language therefrom:

"(d) An annual inspection of the accounts of the Board shall be made under the direction of the City auditor at the expense of the City and a condensed statement of such accounts as shown by the books shall be prepared and made public in conjunction with the annual financial statement of the City.

"(g) The Board of Education shall annually, on such date as shall be fixed by the Council, submit in writing to the Council a careful estimate of the whole amount of money to be received from the State and County for the support of the public schools in the City, together with a careful estimate of the amounts, specifying in detail the objects thereof, required from the City for the adequate support of the public schools for the ensuing year."

Proposed Charter Amendment No. 2

That subsections (c), (d), (k) and (o) of Section 49 of the Charter of the City of Albany be deleted, and the following be inserted in lieu thereof:

"(c) The Civil Service Board shall formulate rules and regulations governing the selection and promotion of members of the Fire Department and Police Department. All officers and men of the Fire Department and the Police Department shall belong to the classified service and shall be ap-

pointed and promoted for no other grounds and for no other reason than their fitness for the position to be filled; provided, however, that no member of the Fire Department and the Police Department shall be eligible for first promotion until he shall have served at least three (3) years in such Department, and that in subsequent promotions, the member must have held the rank from which he is promoted at least one (1) year. Promotions shall be made only to the next higher grade in the service and no grade shall be skipped. All officers or members shall be chosen or promoted by the Chief of the Fire Department and the Police Department whenever a list of eligibles shall be furnished by the Civil Service Board, from the three (3) highest standing candidates on the list.

"The cost of conducting examinations and other duties of the Civil Service Board shall be charged against the general fund of the City. These costs shall be certified by the Civil Service Board and when so certified shall be paid by the City Council in the same manner as other charges against the City.

"(d) It shall be the duty of the Civil Service Board to hold written and oral examinations consistent with the requirements set forth in paragraph (k), subparagraphs 1 and 2 of this section, and to administer other suitable tests to those desiring positions or who are applicants for, or may have been recommended for promotion in the classified service of the Fire Department or the Police Department, for the purpose of determining their fitness for such positions or their qualifications for such promotions and from the result of such written and oral examinations and tests, the Board shall prepare a list of eligibles for all positions in the classified service of the Fire Department and the Police Department. Any person carried on the eligible list for a period of two (2) years without being appointed or promoted shall be dropped from said eligible list and shall not be eligible for appointment or promotion without re-examination.

"(k) Qualifications.

"1. Every appointee of the Fire and Police Departments, at the time of appointment, shall not be less than twenty-one (21) years nor over thirty-five (35) years of age. Every appointee, however, must possess the physical qualifications prescribed by the Civil Service Board (which shall not be inferior to those required for recruits of the United States Army) and before his appointment must pass satisfactory written, oral and other examinations as may be prescribed by the Civil Service Board. Every appointee must, within six (6) months of certification of permanent appointment, reside not more than fifteen (15) air miles from the intersection of San Pablo and Marin Avenues, Albany, California.

"2. Every person in the classified service of the Fire Department and Police Department, who has applied for, or been recommended for promotion to the next higher rank or grade,

shall be required by the Civil Service Board to pass a written and oral examination, and such other examinations as the Civil Service Board may require, and such written and oral examinations must be passed with a score of not less than seventy per centum (70%). The written examination shall be at least equal to that recommended by the appropriate agency of the State of California, if any, for that rank in cities of this class. The oral examination shall be conducted by an examining board consisting of not less than three (3) persons from another city or government who hold a rank or grade at least equal to the grade for which the examination is being given. The aggregate score of all examinations shall determine the relative position of the person on the eligibility list."

The foregoing is a full, true and correct copy of said proposed amendments 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 the said City of Albany; and

That proposed Charter Amendment No. 3 as presented to the voters failed to receive a majority of the votes cast at said General Municipal Election.

In witness whereof, Hubert F. Call, Mayor as aforesaid, and John L. Klavohn, City Clerk as aforesaid, have hereunto set their hands and caused the Seal of the City of Albany to be thereunto duly affixed on this 8th day of June, 1970.

(SEAL)

HUBERT F. CALL
Mayor of the City of Albany
JOHN L. KLAVOHN
City Clerk of the City of Albany

Prepared and approved by:
LAWRENCE D. SALER
City Attorney, City of Albany

WHEREAS, Said proposed amendments so 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 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 City of Albany as submitted to, and adopted and ratified by the qualified 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 part of the Charter of the said City of Albany.

RESOLUTION CHAPTER 116

Senate Concurrent Resolution No. 86—Relative to proclaiming the Fourth of July "Independence Day" and the ringing of bells to celebrate the occasion.

[Filed with Secretary of State July 2, 1970.]

WHEREAS, The California Legislature has on numerous occasions urged all of its citizens to participate in a nationwide simultaneous ringing of bells to celebrate the anniversary of the birth of our nation; and

WHEREAS, The Fourth of July, 1776, is a day ever memorable in the annals of the history of this country, for it was on this day that the Declaration of Independence was adopted, declaring the independence of the 13 original colonies; and

WHEREAS, The tolling of the Liberty Bell at Independence Hall, Philadelphia, Pennsylvania, at 2 o'clock in the afternoon of the Fourth of July, 1776, proclaimed the signing of the Declaration of Independence; and

WHEREAS, John Adams wrote, in reference to this epoch in man's continual struggle for freedom, that "It ought to be solemnized with pomp and parade, with shows, games, and sports, guns, bells, bonfires, and illuminations, from one end of this continent to the other, from this time forward, forevermore"; and

WHEREAS, The growth of this nation from the 13 original colonies into 50 states, and the continued existence and well-being of this nation and the principles upon which it stands, has depended, and will continue to depend, greatly on the moral fiber and industry of our people, which is largely the product of our independent and unique system of government; and

WHEREAS, The fourth day of July of every year has traditionally been celebrated by a show of national spirit and pride in the democratic processes of our government; and

WHEREAS, The ringing of bells and the displaying of American Flags upon July 4 has become symbolic of, and commemorates, the momentous occasion of 192 years ago and reaffirms our faith and belief, to the world, in the freedom and liberty of all people; 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 Legislature proclaims the Fourth of July as "Independence Day" and urges all citizens of this state and nation to participate in the celebration of the anniversary of the birth of our nation by the displaying of the American Flag and the ringing of bells at high noon.

RESOLUTION CHAPTER 117

Assembly Joint Resolution No. 25—Relative to interagency cooperation to combat hunger among low-income persons.

[Filed with Secretary of State July 2, 1970.]

WHEREAS, This Legislature recognizes that nutritional deficiency is a nationwide and statewide problem among low-income persons; and

WHEREAS, The President of the United States, the United States Department of Agriculture, and the Governor of the State of California have recognized the hunger problem and called for its solution; and

WHEREAS, This Legislature is aware that the national and statewide hunger problem affects low-income persons within the boundaries of the state; and

WHEREAS, This state has, for an extended period of time, taken a leadership role in local action within the limits of jurisdictional authority; and

WHEREAS, A recent study conducted by the Sacramento Department of Social Welfare showed that 44 percent of the low-income families contacted had been without food and without money one or more days during the last year; and

WHEREAS, The same study showed that none of the families were able to spend enough money to purchase a nutritionally adequate diet as measured by the United States Department of Agriculture's Low Cost Food Plan; and

WHEREAS, The testimony before the California Assembly Health and Welfare Committee and the United States Senate Select Committee on Nutrition has produced evidence linking malnutrition and irreversible mental retardation; and

WHEREAS, Many studies have shown that unemployment among minority and low-income populations is commonly two to three times greater than the average unemployment rate; and

WHEREAS, As the recent report by the California Assembly Health and Welfare Committee to the Assembly states, existing California AFDC grant levels are insufficient to provide an adequately nutritious diet; and

WHEREAS, The United States Department of Agriculture presently owns and warehouses various surplus food commodities in Sacramento County; and

WHEREAS, This Legislature recognizes the existence in the State of California of a special emergency hunger situation caused by a state of economic disaster among low-income persons in that low-income persons are unable to purchase adequate amounts of nutritious foods; and

WHEREAS, This Legislature recognizes that any effective solution of general nutritional deficiency requires cooperative effort by all responsible agencies and levels of government; 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 take whatever immediate action is necessary under existing law and regulations, and to modify existing law and regulations in such a way as to allow distribution of both food stamps and surplus commodities to provide for the nutritional needs of needy and hungry families, on an emergency basis, to avoid the disaster of hunger among our low-income households; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Honorable Richard Nixon, President of the United States; the Honorable Ronald Reagan, Governor of the State of California; the Honorable Clifford Hardin, United States Secretary of Agriculture; the Honorable Alan Cranston and the Honorable George Murphy, United States Senators from the State of California; and to each representative from California in the Congress of the United States.

RESOLUTION CHAPTER 118

Assembly Joint Resolution No. 28—Relative to preventing elimination of Coast Guard Selected Reserve.

[Filed with Secretary of State July 2, 1970.]

WHEREAS, The National Security Council suggested, and the Joint Chiefs of Staff approved, in 1956, the concept of organizing and developing within the ready reserve of each of the armed forces a highly trained organization capable of quick mobilization; and

WHEREAS, Public Law 90-168, Reserve Bill of Rights and Vitalization Act, provides for the establishment with minimum strengths of a selected reserve in the reserve components of all the armed forces; and

WHEREAS, The Congress of the United States had set for fiscal year 1970 a Coast Guard Selected Reserve of first 17,500 and then 15,000 men, which is the current figure; and

WHEREAS, The presidential budget for fiscal year 1971 plans the total elimination of the Coast Guard Selected Reserve and the Coast Guard Reserve training program; and

WHEREAS, Such a plan represents a dilution of the armed forces selected reserve concept, and is inimical to national defense and security, and to the military preparedness and posture of the United States, particularly so in this time of world turbulence; and

WHEREAS, Such a plan will provide the United States Coast Guard with a paper-in-name-only reserve component; and

WHEREAS, Such a plan might place in jeopardy the selected reserve in the reserve components of all of the armed forces; and

WHEREAS, Such a plan leads to divisiveness among obligated personnel in the reserve in that military-obligated Coast Guard Reserve personnel will not be undergoing any preparedness training while those of the other armed forces will be required to so train; and

WHEREAS, Approximately 2,500 officers and men of the selected reserve, that is, the active reserve, will be affected, and the majority of these have obligated reserve duty to perform; and

WHEREAS, Since virtually all of these men are being trained for port security purposes, curtailment of the reserve program could seriously affect the security of California ports, including, but not limited to, San Diego, San Francisco, San Pedro, and Eureka; 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 prevent the destruction of the selected reserve of the United States Coast Guard and the erosion of the armed forces selected reserve concept, and require the Department of Transportation and the Department of Defense planners to program the Coast Guard Reserve adequately for national security; 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 119

Assembly Concurrent Resolution No. 40—Relative to a study of the feasibility of establishing transportation service between the City of Sacramento and the San Francisco Bay Area Rapid Transit District.

[Filed with Secretary of State July 2, 1970.]

WHEREAS, The rapid transit system of the San Francisco Bay Area Rapid Transit District is nearing completion; and

WHEREAS, This system in the Counties of Alameda and Contra Costa and the City and County of San Francisco will provide a vitally needed new method of transportation in the San Francisco Bay area; and

WHEREAS, The City of Sacramento is the seat of government for the State of California and is located in proximity to the San Francisco Bay area; and

WHEREAS, The flow of passengers between these two population centers is almost entirely by motor vehicles, and there

is an increasing need for rail service between the capital city and the bay area; and

WHEREAS, The Legislature has played an important role in the development of the rapid transit system in the San Francisco Bay Area Rapid Transit District, and is interested in every aspect of extending the benefits of prompt, dependable public transportation; and

WHEREAS, The development of prompt and dependable interurban rail service is of increasing importance to the transportation needs of the United States and California in particular; and

WHEREAS, There are several existing transportation rights-of-way or corridors between Sacramento and the bay area, including Interstate Highway 80, U.S. Highway 50, State Highways 84 and 113; the Sacramento ship channel; and the Sacramento Northern, Western Pacific and Southern Pacific Railroads; and

WHEREAS, An ultimate connection between the City of Sacramento and the bay area transit system appears inevitable, and it is now necessary to thoroughly investigate the feasibility of such a project to insure the proper planning, to determine the projected costs, and to determine the cost of delays in inaugurating such a project; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the State Business and Transportation Agency, in cooperation with the Board of Directors of the San Francisco Bay Area Rapid Transit District, the Association of Bay Area Governments, and the Sacramento Regional Area Planning Commission, is hereby requested to undertake a study of the subject matter of this resolution and submit a report to the Legislature by not later than the fifth legislative day of the 1971 Regular Session; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Secretary of the State Business and Transportation Agency and to the Board of Directors of the San Francisco Bay Area Rapid Transit District, the Association of Bay Area Governments, and the Sacramento Regional Area Planning Commission.

RESOLUTION CHAPTER 120

Assembly Joint Resolution No. 47—Relative to the allocation of federal research and development funds for environmental protection.

[Filed with Secretary of State July 2, 1970.]

WHEREAS, There has been a rapidly increasing use and application of technology in the development of the United States; and

WHEREAS, Many applications of technology have been made without sufficient consideration of the environmental impact of these developments and environmental damage has resulted; and

WHEREAS, A renewed effort should be made to ensure that technological advances are utilized to protect and enhance the quality of the environment; and

WHEREAS, In 1969 United States industries spent nineteen billion two hundred million dollars ($19,200,000,000) for research and development, one-half of which came from the federal government; and

WHEREAS, Of the total federal government industrial research and development expenditures, 83 percent was used for aerospace, communications, and electrical machinery industries; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President of the United States to take the necessary steps to ensure that the impact of technology on the environment is considered before decisions are made to expend federal research and development moneys; and be it further

Resolved, That the Legislature of the State of California respectfully memorializes the President of the United States to allocate a greater proportion of federal research and development funds to environmental problems, including, but not limited to, all of the following:

(a) Broadening our understanding of the impact of new technologies on ecological systems and environmental quality.

(b) Development of environmental monitoring systems to continuously assess environmental conditions and trends.

(c) Development of cost-benefit systems which give adequate consideration to all environmental quality factors.

(d) Development of methods and procedures to assist in the preparation of environmental impact reports on major public and private projects; 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 President's Science Advisor, to the Chairman of the Federal Council on Environmental Quality, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 121

Assembly Concurrent Resolution No. 66—Relative to the Mission Inn.

[Filed with Secretary of State July 2, 1970.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members hereby request

the Department of Parks and Recreation to conduct a study of the statewide historical significance of the Mission Inn which is located in the City of Riverside and of the feasibility for its inclusion in the state park system; 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 122

Assembly Concurrent Resolution No. 130—Relative to fairs.

[Filed with Secretary of State July 8, 1970.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Fairs Allocation and Classification Committee is directed to study the taxation of county, citrus fruit, and district agricultural association fairs and the taxation and licensing of concessionaires and exhibitors at such fairs by city and county governments, and to report its findings, conclusions, and recommendations to the Legislature not later than the fifth calendar 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 Fairs Allocation and Classification Committee.

RESOLUTION CHAPTER 123

Senate Concurrent Resolution No. 88—Relative to commending Miss Barbara Marshment, first student member of the California State Board of Education.

[Filed with Secretary of State July 9, 1970.]

WHEREAS, Miss Barbara Marshment is the first student in the United States to serve as a member of a state board of education; and

WHEREAS, Miss Marshment, as a nonvoting member of the California State Board of Education, represents the views of the 1,200,000 secondary school students in California; and

WHEREAS, Barbara, who attends Carondelet High School in Concord, California, and plans to attend Stanford University, was elected by the California Association of Student Councils to serve for a one-year term on the board; and

WHEREAS, Miss Marshment, who has been active in student government and is an active member of both the National Honor Society and the California Scholarship Federation, has represented her fellow students in an outstanding and conscientious manner during her membership on the California State Board of Education; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Members of the California Legislature hereby extend their appreciation to Miss Barbara Marshment for her sincere efforts and significant accomplishments as student representative on the California State Board of Education in bringing a new awareness and understanding of student views and concerns to the board; and be it further

Resolved, That the Secretary of the Senate transmit suitably prepared copies of this resolution to Miss Barbara Marshment; to her parents, Mr. and Mrs. James E. Marshment; to Carondelet High School, Concord; the California Association of Student Councils; and the California State Board of Education.

RESOLUTION CHAPTER 124

Assembly Concurrent Resolution No. 64—Relative to creating an Advisory Committee on Salmon and Steelhead Trout.

[Filed with Secretary of State July 9, 1970]

WHEREAS, The salmon and steelhead trout resources are a priceless and irreplaceable resource of this state; and

WHEREAS, The survival of these resources is now threatened; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, As follows:

1. The Director of the Department of Fish and Game shall appoint an Advisory Committee on Salmon and Steelhead Trout which shall ascertain, study and analyze all facts relating to the preservation, protection, restoration and enhancement of salmon and steelhead trout resources of this state, 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 director, who shall submit such report to the Legislature, including in the report its recommendations for appropriate legislation.

2. The Advisory Committee on Salmon and Steelhead Trout shall consist of persons having practical knowledge and experience from the following fields:

(a) Four commercial representatives from salmon fishermen and commercial salmon processors.

(b) Four organized sportsmen representatives from salmon and steelhead fishermen and party boat operators.

(c) One public member.

3. The advisory committee shall 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.

4. The members of the advisory committee shall serve without compensation.

5. The advisory committee shall study and investigate all relevant matters, in order to provide for and develop a program for the preservation, protection, restoration, and enhancement of the salmon and steelhead trout resources of this state, including, but not limited to, the following matters:

(a) The conduct of hatchery and stocking operations such as to achieve maximum contribution to the fishery and to spawning escapement.

(b) The rehabilitation, protection, enhancement, and preservation of all salmon and steelhead trout spawning areas and the maintenance of such areas in optimum condition.

(c) The expansion of hatchery and related artificial propagation facilities where necessary and feasible to achieve maximum production of salmon and steelhead trout.

(d) The screening of all existing major diversions on salmon and steelhead trout streams.

(e) The development and conduct of rehabilitation, enhancement, and restocking programs to achieve maximum production in all streams with historic populations of salmon and steelhead trout.

(f) The coordination of state programs and activities with federal agencies so as to promote maximum contribution to the salmon and steelhead trout resources by the federal government.

6. The advisory committee shall submit a progress report, together with any suggested legislation, to the director, who shall submit such report to the Legislature not later than the fifth calendar day of the 1971 Regular Session of the Legislature.

RESOLUTION CHAPTER 125

Assembly Joint Resolution No. 4—Relative to a national wildlife refuge for South San Francisco Bay.

[Filed with Secretary of State July 13, 1970.]

WHEREAS, The establishment of a national wildlife refuge for the southern portion of San Francisco Bay to preserve open-space and recreational values in the natural environment of the bay for benefits to man and to protect a wildlife habitat of national significance from the increasing threat of urbanization has been endorsed, after extensive studies, by the Bureau of Sport Fisheries and Wildlife of the Department of the Interior, and resolutions in support of such action have been adopted by 23 governmental agencies of the San Francisco Bay area; and

WHEREAS, House and Senate bills to establish the refuge were introduced during 1969 and these bills, which were in committee on the adjournment of the first session of the 91st Congress, will be reintroduced and hearings held on the question of the proposed refuge after January 1, 1970; and

WHEREAS, The proposed refuge area of open water, sloughs, tidal shallows, flats, marshes, saltponds, and upland meadows is a natural habitat for 100 species of water birds and 42 species of land birds and, as a vital part of the Pacific Flyway, is host to thousands of migratory wild birds making the long fall flight from the Arctic to Baja California and South America; and

WHEREAS, The South San Francisco Bay region provides the habitat and resting areas for several species of bird and animal life which are on the verge of extinction, and prompt acquisition of land for a national wildlife refuge is essential in view of the continuing pollution and destruction of the natural environment of the region by rapidly expanding urban development; and

WHEREAS, The proposed national refuge, carefully managed for the protection of wildlife, would also provide the people of the San Francisco Bay area and of the nation with access to the bay and its wildlife for observation and enjoyment, offering opportunity for picnicking, photography, fishing, and other recreational activities compatible with the primary purpose of the refuge, and would enable students of all ages from elementary school to college to use the refuge as an outdoor laboratory for the study of biology, ecology, history, and sociology; 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 establish a national wildlife refuge for the southern portion of San Francisco Bay; 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, to the House Committee on Merchant Marine and Fisheries, to the Senate Committee on Commerce, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 126

Assembly Concurrent Resolution No. 120—Relative to the Fresno Field Station of the Agricultural Research Service.

[Filed with Secretary of State July 13, 1970.]

WHEREAS, The level of support currently being given the Fresno Field Station of the Agricultural Research Service is inadequate in view of the critical need for additional research in the San Joaquin Valley area; and

WHEREAS, Of particular importance at the present time in the San Joaquin Valley is the need for research into the

quality of ground water, and particularly the effect of chemical fertilizers, herbicides, pesticides, and other types of potential pollutants and the tolerance levels for humans, animals, and plantlife; and

WHEREAS, Of equal importance is the necessity for research into methods that can be applied to recharge the ground water and maintain a high quality water supply in the San Joaquin Valley; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Governor is requested to include in the budget submitted to the Legislature for the 1971–1972 fiscal year sufficient funds to enable the Fresno Field Station of the Agricultural Research Service to carry out needed research on the quality of ground water supplies in the San Joaquin Valley and on methods for recharging the ground water basin and maintaining a high quality water supply in the valley; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Governor, the Director of Finance, and the Director of Agriculture.

RESOLUTION CHAPTER 127

Assembly Joint Resolution No. 20—Relative to teachers' retirement.

[Filed with Secretary of State July 16, 1970.]

WHEREAS, The California Legislature passed teachers' retirement bills in the 1967 Regular Session and in the 1969 Regular Session, which were not enacted into law, to grant retirement credit for out-of-state service to the mobile teacher; and

WHEREAS, Approximately 50 percent of the California teachers have out-of-state service credit for which they will be penalized during their retirement years; and

WHEREAS, The retirement problems of the mobile teacher are long standing in California as well as in other states; and

WHEREAS, The joint NEA-NCTR task force has presented a proposal to alleviate a significant long standing problem; and

WHEREAS, After due and careful consideration of the public interest, legislation has been introduced in Congress which provides for improvement of education by increasing the freedom of the nation's teachers to change employment across state lines without substantial loss of retirement benefits, through establishing of a federal-state program allowing covered teachers at least 10 years of credit for public teaching service not covered by the system; and

WHEREAS, This federal legislation provides that the federal government shall provide 40 percent of the cost for funding, with the remaining 60 percent to be shared by the state or

local system, or both, and individual teacher; and provides an additional amount for administration; and

WHEREAS, The legislation has been referred to the Education and Labor Committee of the 91st Congress for hearing and action; 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 support and enact legislation to provide for a federal-state program allowing covered teachers at least 10 years of credit for public teaching service not covered by their present retirement system; 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 128

Assembly Joint Resolution No. 41—Relative to the public use of beaches on federal military installations in California.

[Filed with Secretary of State July 16, 1970.]

WHEREAS, Of the 1,072 miles of California coastline only 353 miles are publicly owned and available for recreation, and the demand for public access to the beaches of this state is great; and

WHEREAS, Fifty-eight miles of beaches, although publicly owned, are closed to public recreation; and

WHEREAS, The federal government now prohibits public access to beaches on approximately 56 miles of California's beach frontage; and

WHEREAS, Most of this acreage is located at Camp Pendleton in San Diego County, Vandenberg Air Base in Santa Barbara County, and at Fort Ord in Monterey County; and

WHEREAS, Many of the military operations utilizing these beach areas could be shifted to other areas on the same base and thereby allow California citizens to use these publicly owned beaches; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President of the United States to direct the appropriate federal officials to allow public access to California beaches located within military installations; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of Defense, the Chairman of the Federal Council on Environmental Quality, to the Speaker of the House of Representatives, and to each Senator

and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 129

Assembly Joint Resolution No. 42—Relative to the protection and restoration of estuaries and wetlands on federal lands.

[Filed with Secretary of State July 16, 1970.]

WHEREAS, Ninety percent of California's population lives in the coastal zone of California upon 8 percent of the state's land area; and

WHEREAS, The major alterations to California's lands and waters are taking place in the coastal zone; and

WHEREAS, This zone contains unique estuarine habitat, including marshes, mudflats, and other wetlands that are in scarce supply and irreplaceable; and

WHEREAS, These areas support a great variety of fish and wildlife resources and have other public values of national and statewide significance; and

WHEREAS, Many of the remaining estuaries are located on federal military lands; and

WHEREAS, Some of these estuaries on federal lands have been dredged or filled by federal authorities and in other estuaries federal authorities have allowed dredging and other alterations by local communities; and

WHEREAS, Increasing demands are being placed on the military to alter these lands for other purposes; and

WHEREAS, The federal "Estuaries Inventory Study Act" (Pub.L. 90-454) has as its objective the protection, conservation, and restoration of the nation's estuaries; 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 take appropriate action to assure that permanent protection is given to all existing estuaries and wetlands on federal installations in California and to assure that such estuaries and wetlands already damaged will, where feasible, be restored; and be it further

Resolved, That the Legislature respectfully memorializes the President of the United States to direct the responsible federal officials to advise the Legislature of actions taken to provide permanent protection to these estuaries and wetlands or to restore such estuaries and wetlands which are already damaged; 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 Chairman of the federal Council on Environmental Quality, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 130

Assembly Joint Resolution No. 49—Relative to Pyramid Lake natural resources.

[Filed with Secretary of State July 16, 1970.]

WHEREAS, Pyramid Lake in the State of Nevada is a unique and beautiful national asset deserving of preservation and protection for the enjoyment of present and future generations; and

WHEREAS, The potential recreational and economic value of Pyramid Lake to the people of the State of Nevada and particularly to its owners, the Paiute Indian people whose reservation encompasses the lake, is beyond question; and

WHEREAS, Pyramid Lake is a natural geologic sink which receives the flood flows of the Truckee River system and which historically received the entire flow of the river system; and

WHEREAS, It is well substantiated that the diversion of Truckee River water over the past sixty years has caused, except for exceptionally wet years such as 1969, the progressive lowering of the level of Pyramid Lake; and

WHEREAS, The unique recreational and economic resources of Pyramid Lake are being endangered as its level declines due to the diversion of water from the Truckee River system to meet the many competing demands; and

WHEREAS, While uses of water from the Truckee River system in California unquestionably have some adverse effect upon Pyramid Lake, the fundamental problem centers upon the annual average diversion of 241,000 acre-feet of water at Derby Dam in Nevada for use in the Newlands Project and upon the operational criteria adopted by the Secretary of the Interior for the Truckee-Carson River system; and

WHEREAS, Stabilization of the water level of Pyramid Lake and the provision of minimum flows necessary to sustain fish life and spawning in the Truckee River below Derby Dam would enhance the lake's fishery resources and create economic benefits to the Paiute Indian people who own the lake; and

WHEREAS, A properly developed Pyramid Lake would provide high quality recreation for large numbers of residents of California; and

WHEREAS, The United States Department of the Interior is charged with responsibility for assuring the protection and wise use of the nation's natural resources and controls in major part the waters of the Truckee River-Carson River system; and

WHEREAS, The conflicting interests of various bureaus within the United States Department of the Interior have precluded satisfactory resolution of the water management problems of the Truckee River-Carson River system; and

WHEREAS, These conflicting interests are centered in the Bureau of Indian Affairs, the Bureau of Sports Fisheries and

Wildlife, the Bureau of Land Management, and the Bureau of Reclamation; and

WHEREAS, The level of Pyramid Lake will continue to decline until such time as these conflicts are resolved; and

WHEREAS, A resolution of the water management problems of the Truckee River-Carson River system is beyond the capabilities of the States of California and Nevada; and

WHEREAS, The Assembly Committee on Water, in its evaluation of the proposed California-Nevada Interstate Compact concerning the waters of the Lake Tahoe, Truckee, Carson, and Walker River Basins, has concluded that a final resolution of this conflict and of the water management problems of the Truckee River-Carson River system can only be attained through positive action by the Secretary of the Interior; 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 and the Secretary of the Interior to take those actions necessary to assure the protection and preservation of Pyramid Lake; and be it further

Resolved, That the Secretary of the Interior is requested to take immediate action to achieve coordination of the activities of the various bureaus within the Department of Interior in order to solve the problems relating to management of the Truckee River-Carson River system; 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 the Chairmen of the Senate and House Committees on Interior and Insular Affairs, to each Senator and Representative from California in the Congress of the United States, and to the Secretary of the Interior.

RESOLUTION CHAPTER 131

Assembly Concurrent Resolution No. 176—Approving amendments to the Charter of the City of Chula Vista, County of San Diego, State of California, ratified by the qualified electors of the city at a regular municipal election held therein on the 14th day of April, 1970.

[Filed with Secretary of State July 16, 1970.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of amendments to the Charter of the City of Chula Vista, a municipal corporation in the County of San Diego, 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 San Diego } ss.
City of Chula Vista }

We, the undersigned, Thomas D. Hamilton, Jr., Mayor of the City of Chula Vista, and Kenneth P. Campbell, City Clerk of said City, do hereby certify and declare as follows:

That the City of Chula Vista, a municipal corporation, is now and since the year 1949 has been organized and existing under and pursuant to the provisions of a freeholders' charter adopted in accordance with and by virtue of the provisions of Section 8, Article XI of the Constitution of the State of California.

That pursuant to and in accordance with the provisions of Section 8, 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, proposed to the qualified electors of the City of Chula Vista certain amendments to the Charter of said City, which amendments were designated as Propositions "A", "B", "C", "D", "E", "F", and "G", and submitted said propositions to the qualified electors of the City of Chula Vista at the regular municipal election held on April 14, 1970.

That said proposed charter amendments were published and advertised in the Chula Vista Star News, a newspaper duly designated and qualified as a newspaper entitled to publish legal notices, published in the City of Chula Vista and published in the editions of February 12, 1970, and March 5 and 12, 1970.

That copies of said proposed charter amendments were printed in convenient pamphlet form and in type not less than ten point, a certified copy of which is attached hereto; that said pamphlets were mailed to each of the qualified electors of said city, and that until the date fixed for the election herein described, a notice was advertised and published in the Chula Vista Star News, a daily newspaper of general circulation published in the City of Chula Vista, and the official newspaper of said City, that copies of said proposed charter amendments could be had upon application therefor at the Office of the City Clerk of said City.

That such copies of said proposed charter amendments could be had upon application therefor at the Office of the City Clerk of said City until the date fixed for said election.

That said proposed amendments were submitted to the qualified electors of said City at the regular municipal election held in said City.

That at said election on said proposed amendments to the Charter of the City of Chula Vista, a majority of the qualified voters of the City voting on said proposed amendments voted

in favor of Propositions "F" and "G", and said proposed amendments were ratified by a majority of the qualified electors of said City voting thereon, as set forth in Certificate of the Registrar of Voters of the County of San Diego, State of California on the 20th day of April, 1970, certifying the results of said election.

That all of said proceedings were duly and regularly had and taken in accordance with Section 8 of Article XI of the Constitution of the State of California, the laws of the State of California, and the Charter of the City of Chula Vista.

That as to the amendments to the Charter of the City of Chula Vista 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.

That the proposed amendments to the Charter of the City of Chula Vista which were so ratified by a majority of the electors of said City are in words and figures as follows:

Proposition F

Amend Article XI, Section 1109 thereof, of the Charter of the City of Chula Vista to be, and to read as follows:

Sec. 1109. Contracts on Public Works.

Every project involving an expenditure of five thousand dollars or more for the construction, reconstruction, improvement or repair of public buildings, streets, drains, sewers, utilities, parks and playgrounds, and other public works, and the furnishing of supplies, materials, equipment or contractual services for same shall be done by written contract except as otherwise provided in this Chapter, and the Council, upon the recommendation of the Administrative Officer, shall let said contract to the lowest responsible bidder after notice by publication in the official newspaper for sealed bids for the work contemplated by one or more insertions, the first of which shall be at least ten days before the time for opening bids. If the cost of said public works project is more than the sum of two thousand dollars but less than five thousand dollars, the City Council may let said contract without advertising for bids after the Administrative Officer or his designated agent has secured competitive prices from interested contractors, which shall be considered by the Council before said contract is let.

Projects involving the expenditure of two thousand dollars or less may be awarded without written contract by the Director of Public Works with the approval of the Administrative Officer. Whenever practicable, the Director of Public Works or the Purchasing Agent shall obtain informal bids. The project shall be awarded to the lowest responsible bidder whose bid is determined to be, in all respects, most advantageous to the public interest. The Director of Public Works may solicit such bids personally, by telephone or mail, and shall submit to the Purchasing Agent and the Administrative Officer a written account of the procedures used and the bids thus ob-

tained. A copy of said informal bidding procedure shall be filed in the office of the City Clerk as a public record.

The City Council may, however, declare and determine that in its opinion, based upon estimates approved by, and the recommendations of, the Administrative Officer, that said projects may be excepted from the requirements of this section because the work in question may be performed better or more economically by the City with its own employees, and by a resolution to this effect, adopted by at least four affirmative votes of the Council, order the performance of any such construction, reconstruction, improvement or repair by appropriate City forces.

All bids, of more than two thousand dollars, shall be accompanied by either a certified, or cashier's check, or a bidder's bond executed by a corporate surety authorized to engage in such business in California, made payable to the City. Such security shall be in an amount not less than that specified in the notice inviting bids or in the specifications referred to therein, or if no amount be so specified then in an amount not less than ten percent of the aggregate amount of the bid. If the successful bidder neglects or refuses to enter into the contract, within the time specified in the notice inviting bids or specifications referred to therein, the amount of his bidder's security shall be declared forfeited to the City and shall be collected and paid into its general fund and all bonds so forfeited shall be prosecuted and the amount thereof collected and paid into such fund.

The City Council shall be competent in awarding any contract to compare bids on the basis of time completion, provided that when any award has been made in consideration, in whole or in part, of the relative time estimates of bidders for the completion of the work, the performance in accordance with such time limits shall be secured by a surety bond as hereinabove provided with adequate sureties and penalties, and provided further, that for any contract awarded solely or partially on a specified time for completion, the Council shall not extend such time limits unless such extension be recommended by the Administrative Officer and the head of the department concerned.

The City Council may reject any and all bids presented and may readvertise in its discretion.

Contracts may likewise 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 resolution passed by at least four affirmative votes of the Council and containing a declaration of the facts constituting such urgency; provided, however, that nothing in this section shall prevent the Administrative Officer from taking any and all means necessary to make emergency repairs in the event of immediate need arising from any calamity or disaster.

Proposition G

Amend the Charter of the City of Chula Vista by deleting Article VII, "Water Department" in its entirety.

And we further certify that we have compared the foregoing proposed and ratified amendments to the Charter of the City of Chula Vista with the original proposal submitting same to the electors of said City and find that the foregoing is a full, true and exact copy.

In witness whereof, we have hereunto set our hands and caused the seal of the City of be affixed hereto this _____ day of _____, 1970.

THOMAS D. HAMILTON, JR.
Mayor of the City of
Chula Vista, California
KENNETH P. CAMPBELL
City Clerk of the City of
Chula Vista, 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 3(a) 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 Chula Vista, County of San Diego, 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 Chula Vista, County of San Diego.

RESOLUTION CHAPTER 132

Senate Joint Resolution No. 16—Relative to Edwards Air Force Base.

[Filed with Secretary of State July 16, 1970.]

WHEREAS, The hub of NASA's future space plans is the earth-orbited manned space station, from which interorbital ferries and planetary expeditions will depart, and hopefully, it will prove to be the precursor for the module that will eventually carry men to Mars and back; and

WHEREAS, In order to support the station and its subsequent additions, an earth-to-orbit shuttle is required; and

WHEREAS, Together, the space station and shuttle are the keystones to the next major accomplishments of the nation's space program; and

WHEREAS, The year-round climatic conditions are ideal at Edwards Air Force Base, in Kern County, California, for the earthside operations of the so-called "shuttle ship" to the future United States space station; and

WHEREAS, The many dry lakebeds in the vicinity provide the best possible physical conditions for receiving such a craft in any event of an emergency reentry landing; and

WHEREAS, There already exists the necessary open space, uncluttered by suburban congestion, for all phases of the project to launch and receive the vehicle; and

WHEREAS, The basic facilities for the project are already installed there; and

WHEREAS, Existing West Coast aerospace manufacturing firms can supply project components at the lowest possible transportation cost; and

WHEREAS, Sufficient technical personnel required for the project already reside on or near the West Coast, thus providing the necessary project manpower with the least degree of dislocation of workers' families and the attendant least private and governmental expense to locate them there; 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 requests the National Aeronautics and Space Administration, to permanently locate the launch and reentry facilities for the space station shuttle ship project at Edwards Air Force Base in Kern County, California; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the National Aeronautics and Space Administration.

RESOLUTION CHAPTER 133

Senate Joint Resolution No. 28—Relating to the Battleship U.S.S. Missouri.

[Filed with Secretary of State July 16, 1970.]

WHEREAS, 1970 marks the 25th anniversary of the end of World War II; and

WHEREAS, The citizens of Martinez, California, have undertaken the creation of a peace shrine and a living memorial to

the veterans of World War II with the organization of a committee to bring the U.S.S. Missouri to that city; and

WHEREAS, This famed ship upon whose decks the documents ending hostilities with Japan were signed on September 2, 1945, bringing peace to a war-weary world, now languishes in the Bremerton, Washington, Navy Yard; and

WHEREAS, Battleships of this class are fitted with every type of facility that serves a community such as a bakery, carpentry shop, plumbing and pipefitting shop, paint shop, machine shop, theater and even a hospital, all resources that well might be utilized for federal or state job-training programs; and

WHEREAS, Such a ship has great potential in disaster relief as it is able to produce vast amounts of fresh water and electric power; and

WHEREAS, The harbor of the City of Martinez is an appropriate site for the location of this ship because Camp Stoneman (later Parks Air Force Base) and Camp Shoemaker in Contra Costa County were the principal points of embarkation for the Pacific Theater both in World War II and the Korean conflict, because Port Chicago has served for 28 years as the major Pacific Coast naval ammunition depot, and because nearby are other military installations that also played vital roles in the World War II victory effort; and

WHEREAS, The committee organizing the citizen effort behind this project envisions the creation of a nonprofit foundation to raise the necessary funds to move the vessel from its present moorings to San Francisco Bay, prepare a site offered by the City of Martinez, and fit the vessel for public inspection, the revenue from tours and sale of souvenirs making the ship self-supporting with profits going to the U.S. Navy Relief Fund; and

WHEREAS, This project has been endorsed by the Martinez Chamber of Commerce, the Martinez City Council, the Contra Costa County Board of Supervisors, the City-State Waterfront Committee and the Contra Costa Council of the Navy League; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the citizens of Martinez are to be commended for their initiative and leadership in endeavoring to bring this renowned "fighting ship" to San Francisco Bay, and their project is hereby endorsed by the California Legislature; and be it further

Resolved, That the appropriate local, state and federal agencies whose sanction is required to move this vessel to the City of Martinez are urged to give speedy approval to this proposal so that the anniversary of the conclusion of World War II may be appropriately commemorated by the anchoring of this flagship of the United States Navy in Carquinez Straits; and be it further

Resolved, That the Secretary of the Senate is directed to transmit a copy of this resolution to the President and Vice

President of the United States, the Secretary of Defense, Secretary of the Navy, Chief of Naval Operations, the commandants of the 12th and 13th Naval Districts, the Members of the United States Senate and House of Representatives from California, and to the Battleship "Missouri" Committee of the Martinez Chamber of Commerce.

RESOLUTION CHAPTER 134

Assembly Concurrent Resolution No. 179—Approving the Charter of the City of Pasadena, County of Los Angeles, State of California, ratified by the qualified electors of the city at a special election held therein on the second day of June, 1970.

[Filed with Secretary of State July 17, 1970.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of the Charter of the City of Pasadena, 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 BY ELECTORS OF THE CITY OF PASADENA OF FOUR CHARTER AMENDMENTS

State of California
County of Los Angeles } ss
City of Pasadena

We, the undersigned, Walter L. Benedict, Chairman of the Board of Directors of the City of Pasadena, State of California, and Harriett C. Jenkins, 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 3 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 20th day of November, 1900, and approved by the Legislature of the State of California, on the 29th day of January, 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. 4965 adopted by said board on the 31st day of March, 1970, duly and regularly proposed that there be submitted to the qualified electors of the City of Pasadena four proposals for the amendment of the Charter of said city, designated as Propositions "F", "G", "H", and "J", to be voted upon by said qualified electors at a special election called and held for that purpose in said city on the 2nd day of June, 1970. That said election was duly and regularly called, authorized and provided for by said Board of Directors by Ordinance No. 4969, adopted on the 7th day of April, 1970, which said ordinance called said special election, for the submission of said amendments, to be held in said city on the 2nd day of June, 1970, and that by said ordinance the said special election was by said Board of Directors duly and regularly consolidated with the direct primary election to be held on said date. That said election was duly and regularly called and held on said 2nd day of June, 1970, which day was not less than forty, and not more than sixty days after the completion of the publication and advertising of the proposed amendments aforesaid in the official newspaper.

That said proposed amendments were published and advertised in accordance with Section 3 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 amendments 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 3 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 3 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 the 2nd day of June, 1970, and that pursuant to the provisions of Section 3 of Article XI of the Constitution and of said Charter and said ordinances the said proposed Charter amendments were 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 each of said

proposed amendments to the Charter of said city hereinafter set forth.

That, in accordance with law, the Registrar of Voters of the County of Los Angeles, State of California, did duly and regularly canvass the returns of said election and on the 2nd day of July, 1970, did certify to the Board of Directors of the City of Pasadena the result of such canvass; that said Board of Directors on the 7th day of July, 1970, 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 amendments had voted for, ratified and adopted said amendments.

That the said amendments to the Charter so ratified by the electors of the City of Pasadena are in words and figures as follows:

Proposition "F"

That the Charter of the City of Pasadena be amended by amending Section 402 thereof to read:

"Section 402. Eligibility. Each Board member shall be a qualified elector and resident of the district from which he is elected or appointed, and shall have been a resident of the city for at least two years immediately preceding his election or appointment. In the case where property is annexed to the City, all residence requirements shall be deemed met if the person elected or appointed to office has resided in the area annexed for the required period of residence prior to his election or appointment."

Proposition "G"

That the Charter of the City of Pasadena be amended by amending the first paragraph of Section 1201 thereof to read:

"Section 1201. Districts. The Board shall, by ordinance, redistrict the City into seven districts at least once every four years. Such districts shall be used for all elections of Board members. In any redistricting, the districts shall be composed of contiguous territory and made as equal as practicable in registered voters as shown by the number of registered voters of the city last officially reported to the Secretary of State by the Registrar of Voters for the state-wide Primary or General Election. Districts so formed shall, so far as practicable, be bounded by natural boundaries, freeways or street lines. In laying out such districts, no precinct at the time fixed by the Board of Supervisors of Los Angeles County shall be divided. Except as otherwise provided in this section, no redistricting ordinance or amendment shall be adopted between September 30 in the even-numbered year and the first Monday in May of the following odd-numbered year in which a city election for member of the Board of Directors is to be held. If, thereafter, the Board of Supervisors shall reprecinct the City, at least 60 days before any Board election, with the result that any pre-

cinct shall be divided by the district lines, the Board shall, not less than 30 days prior to any primary or general election, modify districts theretofore fixed to an extent sufficient to prevent the division of any precinct by the district line."

Proposition "H"

That the Charter of the City of Pasadena be amended by amending Section 1203 thereof to read:

"Section 1203. Nominating Petition. Any voter residing within a district who desires to become a candidate for the office of Board member from that district to be filled at such general election shall file with the City Clerk, not earlier than 75 days and not less than 60 days prior to the primary election, nominating papers signed by not less than 25 qualified voters of such district, and accompanied by a filing fee of $25.00."

Proposition "J"

That the Charter of the City of Pasadena be amended by amending the first paragraph of Section 703, the first paragraph of Section 704, Section 1202 and Section 1205 thereof to read:

"Section 703. Election. Elections shall be primary nominating and general. Members of the Board of Education shall be elected from the school district at large on the third Tuesday in April in odd-numbered years, unless elected by a majority of votes at the primary nominating election. Candidates to be voted on at the general election shall be residents and qualified voters of a Pasadena school district, and shall be nominated at a primary nominating election, held on the sixth Tuesday preceding the date fixed for the Board of Education general election. No person shall become a candidate for more than one of the numbered offices to be filled at such election. No names shall be printed upon the ballot in the general election for a member or members of the Board of Education other than those selected in the manner hereinafter prescribed."

"Section 704. Nominating Petition. Any person desiring to become a candidate for one of the numbered offices of the Board of Education to be filled at such election, shall file, or have filed, with the Secretary of the Board of Education, on or before the sixtieth day prior to the primary nominating election, a written statement signed by him, specifying for which of the numbered offices he is a candidate, in substantially the following form:"

"Section 1202. District Primary Elections. On the sixth Tuesday preceding the general municipal election, a primary nominating election shall be held in those districts of the City wherein the terms of office of Board members expire in that year for the purpose of nominating candidates to be voted on at the general municipal election, and for such other purposes as the Board may prescribe."

"Section 1205. General Municipal Election. For the election of Board members under this Charter, and for such other purposes as the Board may prescribe, a general municipal election shall be held biennially throughout the City on the third Tuesday in April of every odd-numbered year."

That we have compared the foregoing amendments with the original proposals proposed by said Ordinance No. 4965 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 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 seal of the said City of Pasadena to be affixed hereto this 7th day of July, 1970.

(SEAL)

WALTER L. BENEDICT
Chairman of the Board of Directors of the City of Pasadena
HARRIETT C. JENKINS
City Clerk

RESOLUTION No. 720
July 7, 1970
Introduced by Director Joseph D. Messler

That the Chairman of the Board of Directors and the City Clerk of the City of Pasadena be and they hereby are authorized to execute for and on behalf of the city the Certificate of Ratification by Electors of the City of Pasadena of Four Charter Amendments, presented herewith, and the City Attorney hereby is directed to take such steps as may be necessary to secure the ratification by the Legislature of the State of California of said Charter amendments set forth in said certificate.

Adopted by the said Board of Directors by the following vote:

Ayes: Directors Adams, Benedict, Cooper, Gwinn, Messler
Noes: None
Absent: Directors Wallace, Yokaitis

I hereby certify that the foregoing document is a full, true and correct copy of Resolution on file in the office of the City Clerk of the City of Pasadena, Calif.

(SEAL)

HARRIETT C. JENKINS
City Clerk

and

WHEREAS, The proposed 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 3 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 Charter of the City of Pasadena, 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, as the Charter of the City of Pasadena.

RESOLUTION CHAPTER 135

Assembly Concurrent Resolution No. 133—
Relative to water pollution.

[Filed with Secretary of State July 22, 1970.]

WHEREAS, California is faced with serious water pollution problems; and

WHEREAS, Water pollution degrades the environment, affects resources, and is detrimental to the well-being of California's citizens; and

WHEREAS, Certain state installations including the following are not complying with the requirements established by the California regional water quality control boards and are causing water pollution problems: the Deuel Vocational Institution at Tracy, the North Coast Conservation Center at Redway, the Porterville State Hospital, San Quentin State Prison, and the Veterans Home at Yountville; and

WHEREAS, State government should show leadership in the maintenance of a quality environment for California by not polluting the state's waters; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the existing pollution caused by these state installations be corrected at the earliest possible time; and be it further

Resolved, That, if funds required to solve these problems have not been requested in the budget for the 1970–1971 fiscal year, the Director of Finance shall immediately inform the Assembly Ways and Means Committee and the Senate Finance Committee of the funds needed to correct these problems; and be it further

Resolved, That the state agency responsible for each of these installations advise the Legislature by September 1, 1970, of the date on which these state installations will comply with the state law; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor, to the Director of Finance, to the Secretary of the Human Relations Agency, and to the Secretary of the Agriculture and Services Agency.

RESOLUTION CHAPTER 136

Assembly Joint Resolution No. 9—Relative to housing.

[Filed with Secretary of State July 22, 1970.]

WHEREAS, Interest rates, land costs and spiraling costs of construction have made it impossible for California families with an income of less than $12,000 per year to be eligible for homes insured by the Federal Housing Administration; and

WHEREAS, As forecasts indicate a severe economic recession in the housing industry during the coming fiscal year, it is desirable that all possible efforts be made to prevent such a recession; and

WHEREAS, Unemployment rates in that industry are currently at 12 percent in California and threaten to reach 25 percent by early spring; 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 that the ½ percent insurance fee required by the Federal Housing Administration on housing loans be eliminated if consistent with continued maintenance of Federal Housing Administration resources and the ability of the Federal Housing Administration to cover anticipated losses, that credit and income requirements for applicants be relaxed, that the mortgage period be extended from 30 to 35 years on loans insured by the Federal Housing Administration and Veterans' Administration, that maximum funding of the 235 Federal Housing Administration interest subsidy housing program for California be provided, that government-backed mortgage securities be introduced, and that every effort to reduce the high cost of interest rates in the residential mortgage industry be made; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Secretary of Housing and Urban Development.

RESOLUTION CHAPTER 137

Senate Joint Resolution No. 9—Relative to the Los Angeles-San Diego Transportation Corridor.

[Filed with Secretary of State July 23, 1970.]

WHEREAS, The high-speed rail demonstration project in the Northeast Corridor between Boston and Washington, D.C., is evidence that high-speed rail transportation is competitive in

cost, convenience, and time with airplanes and automobiles in traveling between these two metropolitan areas; and

WHEREAS, There is mounting interest in California to apply the newly gained knowledge from the high-speed rail demonstration project in the Northeast Corridor to a similar high-speed rail link in the Los Angeles-San Diego Transportation Corridor to connect the metropolitan areas of Los Angeles, Orange, and San Diego Counties, and as a step toward extension of service between the Los Angeles and Palmdale areas, and between Los Angeles, San Francisco, and Sacramento; and

WHEREAS, The ability of trains to travel into the core area of a city results in many passengers being brought closer to their destination than if they had traveled by airplane, and without the necessity of expending the great amount of time and effort that is so often necessary to reach the core area from an outlying airport; and

WHEREAS, The increasing use of high-speed trains to travel between the metropolitan areas can eliminate the necessity of expanding the present networks of freeways that exist in such areas, and thus save the core areas of the cities for living purposes; and

WHEREAS, It is imperative that alternative modes of transportation be developed in creating a balanced system of transportation to serve all strata of our society by making educational, recreational, cultural, and occupational opportunities readily accessible to all; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature respectfully requests the Secretary of Transportation to initiate studies as promptly as possible on the feasibility of a high-speed rail link in the Los Angeles-San Diego Transportation Corridor to connect the metropolitan areas of Los Angeles, Orange, and San Diego Counties; 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 Transportation, 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 138

Senate Concurrent Resolution No. 92—
Relative to Byron C. Prouty.

[Filed with Secretary of State July 23, 1970.]

WHEREAS, The Members of the Legislature have learned of the retirement of Byron C. Prouty on July 31, 1970 from his post as vice president of the Second and San Carlos Branch of the Bank of America in San Jose; and

WHEREAS, Mr. Prouty, who has been with the Bank of America since 1927, is highly regarded by the thousands of customers he has assisted for his dedication to full and satisfying service; and

WHEREAS, Byron Prouty also has given generously of his talents to his community through his activities in many civic organizations, including serving as a member, director and president of the San Jose "Host" Club, past president of the Toastmasters Club of San Jose, past chairman and present member of San Jose State College Advisory Board, past chairman of the United Fund Allocations and Admissions Committee, past director of the San Jose Merchants Association, and past senior adviser of San Jose Chapter American Institute of Banking; and

WHEREAS, Mr. Prouty's service to his community earned him the Distinguished Citizens Award for 1970 upon the recommendation of the Mayor and the City Council of San Jose; and

WHEREAS, He and his loving wife, Virginia, have two fine children, Arthur B. Prouty and Carolyn Prouty Harris; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members congratulate Byron C. Prouty on his fine record of service to the Bank of America and to his community; and be it further

Resolved, That the Secretary of the Senate transmit a suitably prepared copy of this resolution to Byron C. Prouty.

RESOLUTION CHAPTER 139

Senate Concurrent Resolution No. 93—Approving amendments to the Charter of the City and County of San Francisco, State of California, ratified by the qualified electors of the city and county at the direct primary election held therein on the second day of June, 1970.

[Filed with Secretary of State July 29, 1970]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of amendments to the Charter of the City and County of San Francisco, State of California, as hereinafter set forth in the certificate of the chairman and clerk of the board of supervisors of the city and county, as follows:

State of California }
City and County of San Francisco } ss

We, the undersigned, Dianne Feinstein, 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, do hereby certify and declare as follows:

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 twenty-sixth 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 amendments 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 Direct Primary Election to be held in said City and County of San Francisco on the second day of June, 1970, the said five (5) several proposals to amend the charter of the City and County of San Francisco; and

WHEREAS, Said Direct Primary Election was held in said City and County of San Francisco on the second day of June, 1970, 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 twenty-sixth day of June, 1970, 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 Direct Primary Election so held on the second day of June, 1970, three (3) 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 D, F and G, and two (2) other charter amendments submitted at said Direct Primary Election, to wit, charter amendments designated as Propositions E and I received less than a majority of the votes of the electors voting thereon and were not ratified; 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 as a whole without change by resolution of the Legislature, in accordance with the provisions of Section 3 of Article XI of the Constitution of the State of California, and are in words and figures as follows:

CHARTER AMENDMENT
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 amending and adding certain sections thereof, all relating to creation of an airports commission as successor to the public utilities commission in the management and control of airports and air transportation facilities owned or operated by the city and county, such charter amendment to be effective on the first day of the second month immediately following filing with the secretary of state of the legislative resolution and approval thereof.

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 June 2, 1970, a proposal to amend the charter of said city and county by amending sections 93, 121, 122, and 125 thereof, and adding sections 137, 137.1, 137.2, 137.3, 137.4, 137.5, 137.6, 137.7, 138, 138.1, 139, 139.1, and 139.2 thereto, reading as follows:

Lease of City Property

Section 93. When the head of any department in charge of real property shall report to the board of supervisors that certain land is not required for the purposes of the department, the board of supervisors, by ordinance, may authorize the lease of such property. The director of property shall arrange for such lease for such period as prescribed pursuant to section 93.1 of this charter, to the highest responsible bidder at the highest monthly rent. The director of property shall collect rents due under such lease.

The public utilities commission shall have exclusive power to lease agricultural or other lands used and useful for water department purposes and at the same time available for leasing or rental for agricultural or other purposes and such leases shall be subject to administration by the operating forces of the water department.

General Powers and Duties of Public Utilities Commission

Section 121. The public utilities commission shall have charge of the construction, management, supervision, maintenance, extension, operation and control of all public utilities and other properties used, owned, acquired, leased or constructed by the city and county excepting airports, for the purpose of supplying any public utility service to the city and county and its inhabitants, to territory outside the limits of the city and county, and to the inhabitants thereof.

The commission shall locate and determine the character and type of all construction and additions, betterments and extensions to utilities under its control, and shall determine the policy for such construction or the making of such additions, betterments and extension from the public funds under its jurisdiction; provided that in each such case it shall secure the recommendation of the manager of utilities which shall be presented in writing and shall include analyses of cost, service and estimated revenues of all proposed or feasible alternatives in cases where it is deemed by the manager that such alternatives exist.

The commission shall also have power to enter into contract for the furnishing of heat, light and power for municipal purposes, and to supervise the performance and check the monthly bills under such contract.

The commission shall have full power and authority to enter into such arrangements and agreements as it shall deem proper for the joint use with any other person, firm or corporation owning or having jurisdiction over poles, conduits, towers, stations, aqueducts, reservoirs and tracks for the operation of any of the utilities under its jurisdiction. It may make such arrangements as it shall deem proper for the exchange of transfer privileges with any privately owned transportation company or system which shall tend toward the betterment of transportation service.

The commission shall observe all city and county ordinances and the regulations of the department of public works relative to utility openings, structures and poles in streets and other public places, as well as all ordinances and regulations relative to barricades, construction lights, refilling excavations and replacing and maintaining street pavements; and in connection with all such matters the said commission shall be subject to the same inspection rules and pay fees to the proper department in the same manner and at the same rates as any private person or corporation.

The commission shall have charge of all valuation work relative or incidental to purchase proceedings initiated by the city and county for the acquisition of any public utility.

Foreign trade zones, as may be authorized by acts of Congress to be located in the city and county, are hereby declared to be public utilities within the meaning of this charter. A bonded indebtedness for the construction, completion or acquisition of foreign trade zones and the acquisition of necessary lands, buildings and equipment authorized by the electors in accordance with the provisions of this charter shall be exclusive of the bonded indebtedness of the city and county limited by this charter.

Utility Departments and Bureaus

Section 122. The San Francisco municipal railway, the San Francisco water department, the Hetch Hetchy project until the completion thereof when it shall be merged with the water department, or until any time prior to completion that the public utilities commission shall, with the approval of the board of supervisors by a two-thirds vote, declare the project merged with the water department and any other public utility hereafter acquired exclusive of airports or air transportation facilities, shall each be designated as a department under the public utilities commission, and, in addition, the public utilities commission may create a bureau of engineering and such other bureaus as it may deem necessary for the handling of matters that do not pertain exclusively to any one department. The salaries and general expenses of the commission or bureaus thereof not chargeable to a specific department shall be apportioned fairly among the departments under the control of the public utilities commission in such manner as the commission may deem appropriate, and such apportionment shall be shown as expenses of such department. The Hetch Hetchy project shall not be deemed completed until a specific finding of completion thereof has been made by the public utilities commission and approved by the board of supervisors by a two-thirds vote.

Employments

Section 125. All employees engaged in public utility work at the time this charter shall go into effect, and who have been permanently appointed to their respective positions in conformity with the civil service provisions of this charter shall except as otherwise provided by this charter become employees of the public utilities commission under the classification held by each such employee at such time. All persons employed in the operating service of any public utility hereafter acquired by the city and county, at the time the same is taken over by the city and county, and who shall have been so employed for at least one year prior to the date of such acquisition, shall be continued in their respective positions and shall be deemed

appointed to such positions, under, and entitled to all the benefits of, the civil service provisions of this charter.

Persons employed as platform men or bus operators in the operating department of the municipal railway system shall be subject to the following conditions of employment: The basic hours of labor shall be eight hours, to be completed within ten consecutive hours; there shall be one day of rest in each week of seven days; all labor performed in excess of eight hours in any one day, or six days in any one week, shall be paid for at the rate of time and one-half.

For the fiscal year beginning July 1, 1957, the basic hours of labor shall be eight hours to be completed within ten consecutive hours, provided however, in alternate weeks, there shall be two days of rest, consecutive where practicable, and all labor performed in excess of eight hours in any one day, or after a spread of ten consecutive hours in any one day, or five days in any one of such alternate weeks, shall be paid for at the rate of time and one-half.

For the fiscal year beginning July 1, 1958, and thereafter, the basic hours of labor shall be eight hours, to be completed within ten consecutive hours, and there shall be two days off, consecutive where practicable, in each week. All labor performed in excess of eight hours in any one day, or after a spread of ten consecutive hours in any one day, or five days in any one week, shall be paid for at the rate of time and one-half.

Conductors and motormen may be assigned to duty as bus operators and while assigned to such duty they shall receive the compensation fixed for such service. Such assignment shall be governed by seniority of service, subject to a qualifying test by the railroad management as to competency and to state laws as to qualifications and licensing.

Airports Commission

Section 137. An airports commission is hereby created, which shall consist of five members, who shall be appointed by the mayor and who shall be subject to recall and to suspension and removal in the same manner as elective officers. The term of each commissioner shall be four years, provided that the first five commissioners to be appointed by the mayor to take office upon the effective date of this charter section, shall, by lot, classify their terms so that the term of one commissioner shall expire at twelve o'clock noon on each of the first, second and third anniversaries of such date, respectively, and the terms of the remaining two commissioners shall expire at twelve o'clock noon on the fourth anniversary of said effective date; and on the expiration of these and successive terms of office, the mayor shall appoint commissioners for four-year terms. The compensation of each commissioner shall be One Hundred Dollars ($100.00) per month.

General Powers and Duties of Airports Commission

Section 137.1. The airports commission shall have and succeed to all powers and duties in the management and control of San Francisco International Airport heretofore vested in the public utilities commission. The airports commission shall have possession, management, supervision, operation and control of said airport and of all other airport properties wherever situated as it may acquire or which may be placed under its control. In locating and determining the character and type of improvements and additions, betterments or extension to airport properties under its control, the commission shall in each case first secure the written recommendation of the director of airports, including analysis of cost, service and estimated revenue of all proposed alternatives determined feasible by said director. Subject to the provisions of Section 91 of this charter the commission shall have the power to purchase, lease or otherwise acquire all such lands, property, improvements or related facilities as it may deem necessary or convenient in the exercise of the authority granted hereunder. Nothing contained herein shall authorize the commission to construct, operate or maintain, at any location outside the boundaries of an airport, systems or facilities for the surface or sub-surface transportation of persons or property, provided, however, that the commission is authorized to expend funds for planning such facilities either inside or outside the boundaries of the airport.

Leases and Concessions on Airport Property

Section 137.2. The airports commission shall have exclusive power to negotiate and, subject to approval by the board of supervisors shall execute leases of airport lands and space in airport buildings, without necessity for competitive bidding, to any person, firm, or corporation engaged in air transportation, or agency of government, for such purposes only; provided, that the original term of any such lease shall not exceed fifty years, nor shall any extension of such lease exceed a period of fifty years. The Commission shall also have sole power, subject to competitive bidding and award to the highest responsible bidder to lease out any concession wherein the concessionaire is to be given an exclusive right to occupy space on or in airport lands or buildings. There shall be no requirement for competitive bidding in the award by the commission of any concession in an instance where no exclusive right is given the concessionaire to occupy space on or in airport lands or buildings.

Other than as specifically provided herein, the airports commission shall have exclusive power to lease lands now devoted to airport purposes or lands that may hereafter be acquired and devoted to airport purposes for a period not to exceed fifty years, and the director of property shall arrange for such lease

to the highest responsible bidder at the highest monthly or annual rent, subject to approval of the airports commission, and thereafter the administration of any and all such leases shall be by the airports commission. Section 123 of this charter shall not be applicable to leases referred to in this paragraph provided, however, that no lease of airport lands or agreement which divests the city and county of the right to manage, operate or control the aircraft landing field, the entire part of the airport not devoted to the aircraft landing field, or the entire airport shall be made without the approval of the board of supervisors by ordinance and referral and submission to a vote of the electors of the city and county at the election next ensuing not less than sixty days after the adoption of such ordinance, and such ordinance shall not go into effect until ratified by a majority of voters voting thereon.

Airport Rates and Charges

Section 137.3 Subject to the provisions of Section 130 of this charter, the airports commission shall have power to fix, change and adjust rates and charges for the furnishing of services.

Director of Airports and Creation of Divisions and Bureaus

Section 137.4. The airports commission shall appoint a director of airports, who shall hold office at the pleasure of the commission. The director of airports shall have full power and authority to administer the affairs of the commission as the chief executive officer thereof. Subject to approval of the commission, the director shall appoint or remove the heads of airport divisions under the commission's jurisdiction. The heads of airport divisions shall be exempt from the civil service provisions of this charter; provided, however, that said director and each division head so appointed shall possess the necessary executive, administrative and technical qualifications for his respective position.

The following divisions shall be established under the airports commission: the division of business administration; the division of operations; and the division of planning and development. In addition, the commission may create a bureau of engineering and such other bureaus as it may find necessary for the handling of matters that do not pertain exclusively to any one airport division, and subject to approval of the commission, the director of airports shall appoint or remove the heads of such bureaus, exclusive of the civil service provisions of this charter. The commission shall also appoint a secretary who shall be exempt from the civil service provisions of this charter.

Powers of Director of Airports

Section 137.5. In addition to the powers and duties conferred upon him as elsewhere provided in this charter, the

director of airports shall have the power and it shall be his duty: (a) to enforce all orders, rules and regulations adopted by the commission relating to the regulation, operation or control of the funds, facilities, property and equipment of said commission; (b) to supervise and manage the design, construction, maintenance and operation of all work or works authorized by the commission and to that end, subject to its control and guidance, the commission shall have the power to delegate to him such necessary powers and duties as are by this charter conferred upon said commission.

The director of airports shall also have the power to designate and assign by written permit lands, improvements, space or areas in any hangar or other building at any airport operated or controlled by the commission at the duly established rates or charges for the use thereof and subject to the applicable rules and regulations governing same. Each such permit shall be revocable by the director of airports without compensation to the permittee upon due notice to be stated therein.

Employments Affected by Creation of Airports Commission

Section 137.6. Any employee who was a permanent civil service appointee assigned to the airport department under the public utilities commission immediately prior to the effective date of this section, shall be continued without loss in civil service rights as an appointee of the airport department, provided that civil service rights as they relate to layoff in the event of lack of work or lack of funds of all permanent employees of the public utilities commission, including the airport department, immediately prior to the effective date of this section, shall be continued without loss in the same manner and to the same extent as though the airport department had not by these amendments been created a separate city function under the airports commission.

Legal Work of the Airports Commission

Section 137.7. The city attorney, as the legal adviser of the commission, may, with the approval of the commission, compromise, settle or dismiss any litigation or proceedings which may be pending for or on behalf of or against said commission relative to any matter or property under its jurisdiction. He shall detail to the commission such attorneys as the commission may deem necessary, subject to the approval of the commission as to each such attorney or assistant so assigned. The commission shall have authority, subject to the approval of the mayor, to appoint special counsel for temporary purposes. The compensation of all such attorneys shall be paid by the commission from the Airports Revenue Fund.

Airports Revenue Fund

Section 138. Subject to the budget and fiscal provisions of this charter: (a) The entire gross revenue of the airport com-

mission shall be set aside and deposited into a fund in the city and county treasury to be known as the "Airports Revenue Fund." All amounts paid into said fund shall be maintained by the treasurer separate and apart from all other city and county funds and shall be secured by his official bond or bonds. Said fund shall be exempt from section 129 of this charter. (b) Separate accounts shall be kept with respect to receipts and disbursements of each airport under the jurisdiction of the commission.

Use of Airports Revenue Fund

Section 138.1. Moneys in the Airports Revenue Fund including earnings thereon shall be appropriated, transferred, expended or used for the following purposes pertaining to the financing, maintenance and operation of airports and related facilities owned, operated or controlled by the commission and only in accordance with the following priority: (1) the payment of operation and maintenance expenses for such airports or related facilities; (2) the payment of pension charges and proportionate payments to such compensation and other insurance or outside reserve funds as the commission may establish or the board of supervisors may require with respect to employees of the commission; (3) the payment of principal, interest, reserve, sinking fund, and other mandatory funds created to secure revenue bonds hereafter issued by the commission for the acquisition, construction or extension of airports or related facilities owned, operated or controlled by the commission; (4) the payment of principal and interest on general obligation bonds heretofore or hereafter issued by the city and county for airport purposes; (5) reconstruction and replacement as determined by the commission or as required by any airport revenue bond ordinance duly adopted and approved; (6) the acquisition of land, real property or interest in real property for, and the acquisition, construction, enlargement and improvement of new and existing buildings, structures, facilities, utilities, equipment, appliances and other property necessary or convenient for the development or improvement of any airports and heliports owned, controlled or operated by the commission in the promotion and accommodation of air commerce or navigation and matters incidental thereto; (7) the return and repayment into the general fund of the city and county of any sums paid by the city and county from funds raised by taxation for the payment of interest on and principal of any general obligation bonds heretofore issued by the city and county for the acquisition, construction and improvement of the San Francisco International Airport; (8) for any other lawful purpose of the commission.

Airport Revenue Bonds

Section 139. Subject to the approval, amendment, or rejection of the board of supervisors in each instance, the air-

ports commission shall have authority to issue airport revenue bonds for the purpose of acquiring, constructing, improving or developing airports or airport facilities under its jurisdiction under such terms and conditions as the commission may authorize by appropriate resolution. Such revenue bonds shall be issued in accordance with the Revenue Bond Law of 1941 as it now reads or may hereafter be amended. The provisions of Sections 54380 through 54387, inclusive, of the Government Code shall not apply to the issuance and sale of such revenue bonds. Such revenue bonds shall bear a rate of interest not to exceed that which may be fixed and prescribed by the commission subject to approval or rejection by the Board of Supervisors without regard to the limitations contained in the Revenue Bond Law of 1941. Such bonds issued by the commission pursuant to the provisions of this section 139 shall not constitute or evidence indebtedness of the city and county but shall constitute and evidence only indebtedness of said commission payable solely out of revenues received by the commission from airports or airport facilities operated or controlled by it. Airport revenue bonds issued for such purposes pursuant to this section shall not be included in the bonded debt limit provided for in section 104 of this charter. Nothing in this section shall prevent the city and county from issuing general obligation bonds for the purpose of acquiring, constructing, improving or developing airports or airport facilities under the commission's jurisdiction, subject to the bond issue procedure provided for in this charter.

Continuance of Rights and Obligations

Section 139.1. All rights, claims, actions, orders, obligations, proceedings and contracts relating to the airport department under the public utilities commission existing prior to the effective date of these amendments shall not be affected by the adoption thereof, and shall thereafter be under the jurisdiction of the airports commission.

Effective Date of Amendments

Section 139.2. Amendments to this charter, being amendment of sections 93, 121, 122, and 125, and addition of sections 137, 137.1, 137.2, 137.3, 137.4, 137.5, 137.6, 137.7, 138, 138.1, 139, 139.1 and 139.2 thereto, shall become effective on the first day of the second month immediately following filing with the secretary of state of the legislative resolution and approval thereof.

CHARTER AMENDMENT
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 104 thereof, relating to the bonded debt limit of the City and County.

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 June 2, 1970, a proposal to amend the Charter of said city and county by amending Section 104 thereof to read as follows:

Bonded Debt Limit

Section 104. No bonded indebtedness shall be incurred by the city and county which together with the amount of bonded indebtedness outstanding shall exceed twelve per cent of the assessed value of all real and personal property in the city and county subject to taxation for city and county purposes. Bonded indebtedness heretofore or hereafter created for water supply, storage or distribution purposes, sewers and sewerage collection, disposal and treatment, water pollution control, and the acquisition, construction or completion of air transportation facilities and bonded indebtedness created pursuant to Section 103 hereof shall be exclusive of the limitation on the amount of bonded indebtedness of the city and county contained in this section, provided, however that any bonded indebtedness for sewers and sewerage collection, disposal and treatment, and for water pollution control, must be financed by sewerage service charges for the foregoing exclusion to be applicable.

CHARTER AMENDMENT
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 156.3 thereto, relating to the method of fixing salaries of disability transferees.

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 June 2, 1970, a proposal to amend the Charter of said city and county by adding Section 156.3 thereto, to read as follows:

Section 156.3. Notwithstanding any of the provisions of Section 156, 156.2 or any other provisions of this charter, whenever any employee is transferred under the provisions of Section 156 of this charter and has held such position for ten (10) years, the limitations imposed on his salary by Section 156 shall terminate and his salary shall thereafter be fixed in accordance with the salary standardization provisions of this charter.

State of California }
City and County of San Francisco } ss

This is to certify that we, Dianne Feinstein, 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 Direct Primary Election held on Tuesday, the second day of June, One Thousand Nine Hundred and Seventy; 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 sixth day of July, One Thousand Nine Hundred and Seventy.

(SEAL)

DIANNE FEINSTEIN
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

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 3(a) 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 and County of San Francisco, as proposed to, and adopted and ratified by, the electors of the city and county, 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 and County of San Francisco.

RESOLUTION CHAPTER 140

Assembly Concurrent Resolution No. 36—Relative to awards to state employees.

[Filed with Secretary of State July 23, 1970.]

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 George A. Fredrickson, Sr., and Norman Gorden, Department of Mental Hygiene, for a suggestion that results in annual savings of seven thousand nine hundred eighty-two dollars ($7,982) by recommending the purchase of a loader-packer for hauling trash to county dump, in lieu of hauling with other equipment and burning at a state hospital incinerator; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Reuel B. Minton, Division of Highways, for a suggestion that results in annual savings of eight thousand dollars ($8,000) by recommending a motor-driven sidecar for propelling a profilograph, an instrument used for measuring vertical surface variations on highways; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Peter Tsigelatos, Department of Corrections, for a suggestion which results in annual savings of three thousand six hundred sixty-eight dollars ($3,668) for suggesting that damaged bath towels be salvaged, repaired, and color coded by dyeing to distinguish the area to which it belongs; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Herbert H. Hinze, Division of Highways, for a suggestion which results in annual savings of thirteen thousand dollars ($13,000) for suggesting that the bridge department use a standardized format for detailing box girder slab reinforcement, rather than redrawing these plans for each project; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Richard A. Raine, Department of Mental Hygiene, for a suggestion that results in annual savings of five thousand four hundred eighty-eight dollars ($5,488) by recommending that the oxygen supply at Fairview State Hospital be converted from individual high-pressure cylinders to a single low-pressure storage tank from which oxygen is piped to points of use; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Jack S. Matsuoka, Division of Highways, for a suggestion that results in annual savings of six thousand five hundred dollars ($6,500) through the Division of Highways districts limitation on procurement of "single invoice" services, without a service contract, being increased from ten dollars ($10) to twenty-five dollars ($25); and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to James W. Peters, Department of California Highway Patrol, for a suggestion that results in annual savings of three thousand seven hundred forty-three dollars ($3,743) for recommending that gasoline consumption of Cali-

fornia Highway Patrol vehicles be measured two months out of the year instead of each month; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Warren G. Stone, Darwin E. Husted, and Clarence M. Ignacio, Department of Corrections, for a suggestion that results in annual savings of four thousand seven hundred eighty dollars ($4,780) by proposing that each prison superintendent or warden be permitted to adopt visiting and mail procedures which are better adapted to his own institution, instead of using uniform, statewide procedures; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Frank A. Werry, Department of Motor Vehicles, for a suggestion that results in annual savings of one thousand seven hundred twenty-five dollars ($1,725) for recommending that field offices discontinue sending a copy of cashiers cash transfer receipt to Sacramento headquarters; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Elizabeth D. Wilson, Department of Agriculture, for a suggestion that results in annual savings of eleven thousand three hundred twenty-seven dollars ($11,327) by recommending that 10 separate licenses be replaced by a single multipurpose license; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Herschel S. Kirk, Department of Public Health, for a suggestion that resulted in savings of four thousand two hundred dollars ($4,200) by proposing that, to eliminate the necessity of washing regular glass culture test tubes, they be replaced by disposable tubes; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Leonard D. Townsend, Department of Motor Vehicles, for a suggestion that results in annual savings of one thousand nine hundred fifty-two dollars ($1,952) by recommending that cashiers, when issuing suspense receipts for dealer transactions, be permitted to identify the dealer by his number only; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Etta J. Countryman and Paula R. Munoz, Franchise Tax Board, for a suggestion that results in annual savings of four thousand four hundred three dollars ($4,403) by recommending the elimination of a second preprocessing review of certain tax return folders; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to William E. Bell, Department of Mental Hygiene, for a suggestion that resulted in one-time savings of nine thousand eight hundred seventy-six dollars ($9,876) for designing a drilling jig to permit installation of conventional toilet seats in the facilities at Porterville State Hospital; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to George W. Havins, Division of Highways, for a suggestion that results in annual savings of four thousand one hundred five dollars ($4,105) for recom-

mending computer accumulation of gas pump data, rather than manual operation; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to George W. Havins, Division of Highways, for a suggestion that results in annual savings of five thousand two hundred twenty dollars ($5,220) for recommending that headquarters eliminate the individual name file of all highway maintenance personnel and discontinue districts' monthly report of maintenance personnel changes; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Herbert J. Furth, Department of Motor Vehicles, for a suggestion that results in annual savings of four thousand five hundred sixty-seven dollars ($4,567) by recommending that driver improvement files and documents be forwarded to field offices by thrice-weekly pony service instead of first-class mail; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Poy C. Ho, Division of Highways, for a suggestion that results in annual savings of six thousand three hundred dollars ($6,300) by recommending that "Notice to Contractor" advertisements be edited and revised to reduce the number of lines required; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Mary T. Smith, Department of Motor Vehicles, for a suggestion that results in annual savings of one thousand eight hundred forty dollars ($1,840) for a suggestion that automobile clubs be asked to submit a tape of potentials to free cashier from time used to write suspense receipts and other related duties; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Virginia L. Ring, Department of Motor Vehicles, for a suggestion that results in annual savings of two thousand seven hundred ten dollars ($2,710) by recommending a procedure which eliminates the search for names of parents or guardians of a minor subject called for reexamination or interview; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Leo E. Smith, Department of Mental Hygiene, for a suggestion that results in annual savings of three thousand seven hundred fifty dollars ($3,750) for redesigning window operators for steel casement windows and french doors at Camarillo State Hospital; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Louella Beveridge, Department of Motor Vehicles, for a suggestion that results in annual savings of one thousand nine hundred thirty-one dollars ($1,931) for suggesting a self-sealing form letter as substitute for two form letters in use; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Robert M. Poage, Division of Bay Toll Crossings, for a suggestion that results in annual savings of three thousand eighty dollars ($3,080) by designing a sig-

nal generator for trouble shooting ground faults on lighting circuits on state-owned toll bridges, and other facilities; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Carl Fraser, Department of General Services, for a suggestion that results in annual savings of two thousand five hundred twenty dollars ($2,520) for suggesting that similar tab card printing jobs be combined, on a monthly basis, to reduce makeready time and to increase production; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Dorothy M. Leach, State Compensation Insurance Fund, for a suggestion that results in annual savings of three thousand three hundred dollars ($3,300) for recommending the elimination of some check file copies, as an unnecessary precaution; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Ruth E. Chambers and Douglas R. Nebelsieck, Division of Highways, for a suggestion that results in annual savings of three thousand seven hundred ninety-eight dollars ($3,798) for proposing that cashiers offices make bank deposits, instead of using an armored car service which results in a delay and a loss of interest earnings; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Alan L. Berg, Division of Highways, for a suggestion that results in annual savings of five thousand four hundred fifty-six dollars ($5,456) by contributing to a suggested revision of the electrical circuit used to start rotary snowplows and to recharge the batteries; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Florestine Mure, Department of Motor Vehicles, for a suggestion that results in annual savings of one thousand nine hundred six dollars ($1,906) for suggesting an internal form to be used to requisition a record review printout from another section; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Ronald T. Kidd, Department of Motor Vehicles, for a suggestion that results in annual savings of four thousand seven hundred fifty-two dollars ($4,752) by recommending that the duties of sacking selected mail be combined with those of the mailroom operator, to free one position; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Elizabeth M. Wood, Franchise Tax Board, for a suggestion that results in annual savings of five thousand three hundred thirty-five dollars ($5,335) for proposing simplification of a procedure for processing and segregating taxpayers files, to eliminate several steps; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Joseph J. Smoliga, Department of California Highway Patrol, for proposing, in association with his supervisor, R. A. Bollin, a suggestion that results in annual savings of eight thousand seven hundred dollars ($8,700)

by recommending that all sales of motorcycles be advertised in major newspapers for public sales, rather than exclusive selling to dealers; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Ronald L. Smith, Wesley M. Fakunding, and Richard H. Sulik, Board of Equalization, for a suggestion resulting in annual savings of eight thousand two hundred eighty dollars ($8,280) by recommending that the preparation of auditors worksheets be discontinued except when they are requested by district officers; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Lee E. Spencer, California State Colleges, for a suggestion that results in one-time savings of five thousand five hundred eight dollars ($5,508) and annual savings of nine hundred dollars ($900) for effecting a reduction in the sewer service at the Fresno State College stadium and for collecting a retroactive refund of excess payments; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Kin T. Leong and Gary L. Francis, Department of Motor Vehicles, for a suggestion that results in annual savings of four thousand four hundred eighty-three dollars ($4,483) by submitting a revised data-processing procedure which eliminates certain unnecessary steps; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Cynthia A. Frakes, Board of Equalization, for a suggestion that results in annual savings of one thousand nine hundred five dollars ($1,905) by proposing that the period covered by certain statistical reports on hearings handled by the department be extended; and

WHEREAS, The suggestions of these employees have resulted in one-time and recurring savings amounting to one hundred seventy-six thousand nine hundred ninety dollars ($176,990); and

WHEREAS, As a result of these savings 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:

George A. Fredrickson, Sr., three hundred twenty-four dollars ($324);

Norman Gorden, three hundred twenty-four dollars ($324);

Reuel B. Minton, six hundred fifty dollars ($650);

Peter Tsigelatos, two hundred seventeen dollars ($217);

Herbert H. Hinze, one thousand one hundred fifty dollars ($1,150);

Richard A. Raine, four hundred dollars ($400);

Jack S. Matsuoka, five hundred dollars ($500);

James W. Peters, two hundred twenty-four dollars ($224);

Warren G. Stone, seventy dollars ($70);

Darwin E. Husted, seventy dollars ($70);

Clarence M. Ignacio, seventy dollars ($70);
Frank A. Werry, twenty-one dollars ($21);
Elizabeth D. Wilson, nine hundred eighty-three dollars ($983);
Herschel S. Kirk, sixty dollars ($60);
Leonard D. Townsend, forty-five dollars ($45);
Etta J. Countryman, one hundred forty-five dollars ($145);
Paula R. Munoz, one hundred forty-five dollars ($145);
William E. Bell, three hundred forty-four dollars ($344);
George W. Havins, two hundred sixty-one dollars ($261);
George W. Havins, one hundred eleven dollars ($111);
Herbert J. Furth, three hundred seven dollars ($307);
Poy C. Ho, four hundred eighty-one dollars ($481);
Mary T. Smith, thirty-four dollars ($34);
Virginia L. Ring, one hundred twenty-one dollars ($121);
Leo E. Smith, two hundred twenty-five dollars ($225);
Louella Beveridge, forty-three dollars ($43);
Robert M. Poage, one hundred fifty-eight dollars ($158);
Carl Fraser, one hundred dollars ($100);
Dorothy M. Leach, one hundred eighty dollars ($180);
Ruth E. Chambers, one hundred fifteen dollars ($115);
Douglas R. Nebelsieck, one hundred fifteen dollars ($115);
Alan L. Berg, one hundred twenty-three dollars ($123);
Florestine Mure, forty dollars ($40);
Ronald T. Kidd, three hundred twenty-five dollars ($325);
Elizabeth M. Wood, three hundred eighty-three dollars ($383);
Joseph J. Smoliga, three hundred sixty dollars ($360);
R. A. Bollin, one hundred thirty dollars ($130);
Ronald L. Smith, two hundred twenty-six dollars ($226);
Wesley M. Fakunding, two hundred twenty-six dollars ($226);
Richard H. Sulik, two hundred twenty-six dollars ($226);
Lee E. Spencer, two hundred fifteen dollars ($215);
Kin T. Leong, fifty dollars ($50);
Gary L. Francis, fifty dollars ($50);
Cynthia A. Frakes, forty dollars ($40); and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the State Board of Control and the State Controller.

RESOLUTION CHAPTER 141

Senate Joint Resolution No. 20—Relative to pledge of allegiance to the flag.

[Filed with Secretary of State July 23, 1970.]

WHEREAS, The right of school children to voluntarily salute the Flag of the United States in the public schools is being threatened; and

WHEREAS, The children of this country, now more than ever, need the right to voluntarily reaffirm their love and respect for the flag of this country; and

WHEREAS, In our proper concern for the rights of minorities we must not ignore the fact that patriotism is a privilege which may not be taken away from the majority; and

WHEREAS, It is in the public interest to amend the Constitution of the United States to specifically insure that the children of this country shall have the right to salute the Flag of the United States in public schools; 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 utilize all their powers to bring about the passage of an amendment of the Constitution of the United States which shall assure to every child the right to voluntarily pledge allegiance to the Flag of the United States in any public school; 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 142

Senate Joint Resolution No. 32—Relative to the 1971 White House Conference on Aging.

[Filed with Secretary of State July 23, 1970.]

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California memorializes the Congress of the United States to appropriate sufficient funds for the scheduled 1971 White House Conference on Aging, including funds for use by local committees which will attend the White House Conference in order that such local committees may hold local conferences in preparation for the national conference; 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 143

Senate Concurrent Resolution No. 94—Relative to the death of former Senator John F. (Jack) Thompson.

[Filed with Secretary of State July 27, 1970.]

WHEREAS, It was with deep sorrow that the Members of the California Legislature learned of the death of their distinguished former colleague, Senator John F. (Jack) Thompson; and

WHEREAS, Born on a Prospect Road ranch in Cupertino, Santa Clara County, Senator Thompson served his native county for 20 years before retiring from the Senate in 1963; and

WHEREAS, He attended various San Jose public schools and the Heald's Business College where he gained his background as a real estate broker; and

WHEREAS, "Jack" Thompson served four two-year terms in the Assembly and then ran for the Senate where he served three four-year terms before retiring undefeated; and

WHEREAS, Senator Thompson's deep concern and interest as a rancher were reflected in his legislative concern for the valley's water problems and in the field of soil conservation; and

WHEREAS, An active and vital man, he held membership in numerous fraternal and service organizations as well as official positions in the Evergreen Soil Conservation District and the Santa Clara County Safety Council; and

WHEREAS, Senator John F. (Jack) Thompson is survived by his gracious wife, Gladys; a son, Jack; and a daughter, Mrs. Betty Hughes; 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 former colleague and friend, Senator John F. (Jack) Thompson, 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 John F. (Jack) Thompson to the citizens of California as an example of selfless dedication and service to the welfare of his fellow citizens and the state; 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 John F. (Jack) Thompson.

RESOLUTION CHAPTER 144

Senate Joint Resolution No. 22—Relative to veterans' unemployment compensation benefits.

[Filed with Secretary of State July 27, 1970.]

WHEREAS, Returning veterans who receive, upon separation from the armed forces, pay for unused accrued leave are being denied unemployment compensation benefits for a period of time equal to the number of days of accrued leave as per Section 8524 of Title V of the U.S. Code; and

WHEREAS, A returning serviceman who has bravely defended his country, returns home, and finds it difficult to find a job has enough difficulties without being penalized for being prudent in his use of leave time while in the 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 amend the present law so that our returning servicemen will not be denied unemployment compensation benefits under the circumstances described above; 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 145

Assembly Constitutional Amendment No. 4—A resolution to propose to the people of the State of California an amendment to the Constitution of the state, by amending Section 3 of Article IX thereof, relating to county superintendents of schools.

[Filed with Secretary of State July 30, 1970.]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1970 Regular Session commencing on the fifth day of January, 1970, 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 3 of Article IX thereof to read:

SEC. 3. A superintendent of schools for each noncharter county shall be elected by the qualified electors thereof at each gubernatorial election; unless the board of supervisors of the county, by ordinance, provides for the appointment of the superintendent of schools by the county board of education for a term of four years. Neither the enactment of such ordinance nor its repeal shall be effective until assented to by a majority of the qualified electors of the county voting at an election to be held for that purpose.

The first appointment made by a county board of education pursuant to the preceding paragraph shall be made upon the expiration of the term of office of the county superintendent of schools of the county in office on the effective date of the ordinance of the board of supervisors making the position appointive or upon the occurrence of a vacancy in such office after such effective date, whichever occurs first. Any person who holds the office of county superintendent of schools of a

county on such effective date shall continue to hold such office until his successor is appointed pursuant to this section.

The Legislature may authorize two or more noncharter counties to unite for the purpose of electing one superintendent for the counties so uniting by the qualified electors of the counties at each gubernatorial election, or for the purpose of enacting an identical ordinance by the boards of supervisors of the counties providing for the appointment of the superintendent of schools by the combined action of the county boards of education of the counties for a term of four years. Neither the enactment of such ordinance nor its repeal shall be effective as to any of such counties until assented to by a majority of the qualified electors of both or all of the counties voting at an election to be held for that purpose.

The first appointment made by the combined action of county boards of education pursuant to the preceding paragraph shall be made upon the expiration of the terms of office of the county superintendents of schools of the counties in office upon the effective date of the ordinances of the boards of supervisors making appointive the office of superintendent of the counties uniting, or upon the occurrence of vacancies in all such offices after such effective date, whichever occurs first. Any person who holds the office of county superintendent of schools of a county on such effective date shall continue to hold such office until his successor is appointed pursuant to this section.

RESOLUTION CHAPTER 146

Senate Concurrent Resolution No. 98—Approving amendments to the Charter of the City of San Jose, State of California, ratified by the qualified electors of the city at a special municipal election held therein on the second day of June, 1970.

[Filed with Secretary of State July 30, 1970.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of amendments to the Charter of the City of San Jose, a municipal corporation in the County of Santa Clara, 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 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 certain proposals for the amendment of the Charter of said City to be voted upon by the said qualified electors at the special municipal election held in said City on the second day of June, 1970, all as required by law, which said proposals were designated as "Charter Amendment—Proposition A, Charter Amendment—Proposition B, Charter Amendment—Proposition C, Charter Amendment—Proposition D, Charter Amendment—Proposition E, Charter Amendment—Proposition F, Charter Amendment—Proposition G and Charter Amendment—Proposition H.

That said proposed amendments were published and advertised in accordance with Section 8 of Article XI of the Constitution of the State of California, on the ninth day of April, 1970, 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 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 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, 1970, and each day thereafter to and including the first day of June, 1970, 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 on and after the ninth day of April, 1970, to and including the second day of June, 1970, the date fixed for said election.

That said proposed charter amendments were submitted to the electors of said City for adoption and ratification at the special municipal election duly and regularly held in said City of San Jose on the second day of June, 1970, 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 amendments aforesaid.

That at said special municipal election a majority of the qualified electors voting upon said proposed charter amendments voted in favor of Proposition A, Proposition B, Proposition D, Proposition E, Proposition F, Proposition G and Proposition H and adopted and ratified the same.

That said amendments 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 Sections 402, 403 and 1600 of the Charter of the City of San Jose be amended to read as follows:

"Section 402. Terms of Office. Subject to other provisions of this Charter, the two (2) members of the Council in office at the time this Section becomes effective, other than the Mayor, whose terms of office under the Charter as it existed immediately prior to the effective date of this Section would expire at the end of June 1971, shall continue to hold office as members of the Council until the end of June, 1971. At the general municipal election held in the year 1971, persons shall be elected to fill the seats of said two (2) Councilmen for terms of three years six months, beginning July 1, 1971 and extending to and including December 31, 1974.

"Subject to other provisions of this Charter, the four (4) members of the Council in office at the time this Section becomes effective whose terms of office under the Charter as it existed immediately prior to the effective date of this Section would expire at the end of June, 1973, shall continue to hold office as members of the Council until the end of June, 1973. At the general municipal election held in the year 1973, persons shall be elected to fill the seats of said four (4) Councilmen for terms of three years six months, beginning July 1, 1973 and extending to and including December 31, 1976.

"Subject to other provisions of this Charter, the Mayor in office at the time this Section becomes effective, whose term of office as Mayor and member of the Council would expire under the Charter as it existed immediately prior to the effective date of this Section at the end of June, 1971, shall continue to hold office as Mayor and member of the Council until the end of June, 1971. At the general municipal election to be held in the year 1971, a person shall be elected to fill the seat of said Mayor for a term of three years six months, beginning July 1, 1971 and extending to and including December 31, 1974.

"Except as otherwise provided elesewhere in this Charter, each member of the Council, and each Mayor, elected to such office at a general municipal election held within the year 1974 and thereafter, shall be elected for a term of four (4) years from and after the first day of January next following the date of his election.

"The effective date of this Section shall be deemed to mean the date of this Section as it now reads becomes effective."

"Section 403. Elections; Designation of Seats. Subject to other provisions of this Charter, the first election following the effective date of this Section at which a Mayor and members of the Council shall be elected shall be the general municipal election held in the year 1971. At the general municipal election held in the year 1971, persons shall be elected to fill the seats of those three (3) members of the Council, including the Mayor, whose terms expire at the end of June, 1971, and to fill such other vacancies, if any, in the Council as are required by other provisions of this Charter to be filled at such election. At the general municipal election held in the year 1973, persons shall be elected to fill the seats of those four (4) members of the Council whose terms expire at the end of June, 1973, and to fill such other vacancies, if any, in the Council as are required by other provisions of this Charter to be filled at such election. Thereafter, at each general municipial election, successors shall be elected to fill the seats of those members of the Council, including the member of the Council who is also the Mayor, whose terms of office expire at the end of December in the year of such election.

"For purposes of said elections, each Council office shall be designated by an appropriate descriptive designation, as follows: The Council seat which on the effective date of this Section is occupied by the Mayor shall continue to be designated as "Mayor"; each of the other six (6) seats, respectively, which were designated prior to the effective date of this Section as "Councilman, Seat No. 2", Councilman, Seat No. 3", "Councilman, Seat No. 4", "Councilman, Seat No. 5", Councilman, Seat No. 6", and "Councilman, Seat No. 7", respectively, shall continue to be designated by their prior respective designation. The designation so given to each such office shall thereafter be used in all elections, nomination papers, certificates of election and other election papers pertaining or referring to such office, and to designate incumbency of such office.

"The person elected at any election to the office designated "Mayor" shall be deemed elected both as Mayor and as a member of the Council.

"The effective date of this Section shall be deemed to mean the date this Section as it now reads becomes effective."

"Section 1600. General Municipal Elections. A general municipal election shall be held, for the election of officers and for such other purposes as the Council may prescribe, on the second Tuesday of April in the years 1971 and 1973, and there-

after on the first Tuesday after the first Monday of June in each even-numbered year commencing with the year 1974.

"If any office required to be filled at any such election remains unfilled after the election because of the failure of any person to receive a majority of all votes cast for such office at such election, then as to such office such election shall be considered to have been a primary election, and a general municipal election shall be held, for the purpose of filling such office, on the first Tuesday after the first Monday of June immediately following such primary election if the primary election was held in 1971 or 1973, or on the first Tuesday after the first Monday of November immediately following such primary election if the primary election was held in 1974 or in any even-numbered year thereafter. The two persons who polled the greatest number of votes for such office in the primary election shall be the only persons whose names shall appear on the ballot as candidates for such office at the following general municipal election. Anything elsewhere to the contrary notwithstanding, all ties in either election shall be decided by lot, during open meeting of the Council, under the direction of the Council."

Charter Amendment—Proposition B

That Sections 404 and 409 of the Charter of the City of San Jose be amended to read as follows:

"Section 404, Eligibility. A person shall not be eligible to take or hold office as a member of the Council, including Mayor, unless he satisfies all of the following conditions:

"(a) He must have been a citizen of the United States for at least one year immediately preceding the commencement of the four-year term or lesser period of time for which he is elected or appointed, and must be a citizen of the United States during his incumbency.

"(b) He must have been a resident of the City of San Jose for at least one year immediately preceding the commencement of the four-year term or lesser period of time for which he is elected or appointed, and must be a resident of the City of San Jose during his incumbency.

"(c) If elected to said office at a municipal election, he must have been a registered elector of the City of San Jose on the last day specified by law for the filing of nomination papers with the City Clerk for such office, and must have continued being a registered elector of the City of San Jose without interruption from said day to and including the date of commencement of the four-year term or lesser period of time for which he is elected.

"(d) If appointed to such office, he must have been a registered elector of the City of San Jose at the time of his appointment and thereafter to and including the date of commencement of the four-year term or lesser period of time for which he is appointed.

"A person shall not be eligible to be a candidate at any election for any above-mentioned office if he would not be eligible under the above provisions of this Section to take office if elected."

"Section 409. When Office Becomes Vacant. The office of a member of the Council or of the Mayor becomes vacant on the happening of any of the following events before the expiration of such officer's term:

"(a) The death of the incumbent;

"(b) Insanity of the incumbent, when determined by a final judgment or final order of a court of competent jurisdiction;

"(c) Resignation of the incumbent;

"(d) The incumbent ceases to satisfy any requirements for retention of his office which are set forth elsewhere in this Charter;

"(e) Removal of the incumbent from office;

"(f) Absence of the incumbent from the State of California for more than sixty (60) days, unless either upon business of the City or with the consent of the Council. In the case of illness or other urgent necessity, and upon a proper showing thereof, the time limited for absence from the State shall be extended by the Council;

"(g) The incumbent ceases to discharge the duties of his office for a period of three (3) consecutive months except when prevented by sickness or when absent from the State with permission required by this Charter;

"(h) The incumbent being convicted of a felony or of any offense involving a violation of his official duties;

"(i) The refusal or neglect of the incumbent to file his official oath or bond, if such is required by law, within the time prescribed by law;

"(j) The decision of a competent tribunal declaring void the incumbent's election or appointment;

"(k) The making of an order vacating the incumbent's office or declaring his office vacant when he fails to furnish an additional or supplemental bond if such is required of him by law;

"(l) The commitment of the incumbent to a hospital or sanitarium, by a court of competent jurisdiction, as a drug addict, dipsomanic, inebriate, or stimulant addict; but in such event the office shall not be deemed vacant until the order of commitment has become final;

"(m) The incumbent's absence from five (5) consecutive regular meetings of the Council, unless excused by written resolution of the Council. No such excuse shall operate retroactively. No resolution shall excuse an incumbent's absence from more than five (5) consecutive regular meetings immeately following the date of adoption of such resolution although additional resolutions may be adopted excusing an incumbent's absence from not more than five (5) additional regular meetings immediately following the date of each such resolution. For purposes of this subsection, regular meetings

from which an incumbent has been absent shall not be deemed consecutive if separated by one or more regular meetings at which such incumbent has been present or his absence from which has been excused by the Council. Also, for purposes of this subsection, "regular meetings" shall not be deemed to mean or include "regular adjourned meetings", "special meetings", or any committee meetings."

Charter Amendment—Proposition D

That Sections 607 and 608 of the Charter of the City of San Jose be repealed, and Section 604 of said Charter be amended to read as follows:

"Section 604. Ordinances, Procedure for Adoption. Except as otherwise provided elsewhere in this Charter, and with the exception of ordinances which take effect immediately upon adoption, hereinafter referred to in this Article, no ordinance shall be adopted unless (a) it is first passed for publication of title, (b) the title of the ordinance is published as hereinafter provided in this Section, and (c) at least six (6) days have elapsed between the date it was passed for publication of title and the date it is adopted.

"The title of an ordinance shall be deemed to have been "published", as said term is hereinabove used in this Section if such title is printed in a newspaper of general circulation in the City no later than the third day immediately preceding the date of its adoption. No part of any ordinance, or proposed ordinance, other than its title, need be published.

"Ordinances which take effect immediately upon adoption, hereinafter referred to in this Article, may be adopted without compliance with the above provisions of this Section."

Charter Amendment—Proposition E

That Section 1000 of the Charter of the City of San Jose be amended to read as follows:

"Section 1000. Planning Commission. There shall be, and there is hereby established, a Planning Commission to consist of seven (7) members appointed by the Council. It shall be deemed to be a continuation of the Planning Commission established by and pursuant to this Section as it read immediately prior to the effective date of this Section as it now reads.

"A person shall not be eligible to take or hold office as a member of the Planning Commission unless he satisfies all of the following conditions:

"(a) He must have been a citizen of the United States for at least one year immediately preceding the commencement of the four-year term or lesser period of time for which he is appointed, and he must be a citizen of the United States during his incumbency;

"(b) He must have been a resident of the City of San Jose for at least one year immediately preceding the commencement of the four-year term or lesser period of time for which

he is appointed, and he must be a resident of the City of San Jose during his incumbency.

"(c) He must have been a registered elector of the City of San Jose at the time of his appointment and thereafter to and including the date of commencement of the four-year term or lesser period of time for which he is appointed.

"The City Manager, the City Attorney and such other officers as the Council may designate, or their representatives, may meet with the Planning Commission and may participate in its discussions but shall not have a vote.

"Those persons who immediately prior to the effective date of this Section (as it now reads) were members of the Planning Commission established by and pursuant to this Section as it read immediately prior to the effective date of this Section (as it now reads) shall continue to be members of this Planning Commission and, subject to other provisions of this Charter, shall hold such offices until the expiration of the terms for which they were appointed, to wit: the three members appointed for terms expiring on June 30, 1970, shall continue in office until the end of June 30, 1970, and the four members appointed for terms expiring on June 30, 1972, shall continue in office until the end of June 30, 1972. At the first meeting of the Council on or after the first day of July of each even-numbered year, the Council shall appoint commissioners for four-year terms commencing on the first day of July of such year to fill the offices of those members whose terms expire as of the end of the 30th day of June of such year.

"The office of a member shall become vacant if during his term of office he ceases to be a resident of the City of San Jose or ceases to be a citizen of the United States. Also, the office of a member shall become vacant upon the happening before the expiration of his term of any of the events set forth in subsections (a), (b), (c), (e), (g), (h), (i), (j), (k), and (l) of Section 409 of this Charter, or upon such member's absence from five (5) consecutive regular meetings other than adjourned regular meetings, of the Commission, unless excused by resolution of Council. Also, the Council may remove a member from office at any time for misconduct, inefficiency or willful neglect in the performance of the duties of his office providing it first states in writing the reasons for such removal and gives such member an opportunity to be heard before the Council in his own defense. If a vacancy occurs before the expiration of a member's term, the Council shall appoint a qualified person to fill such vacancy for the remainder of the unexpired term of such member.

"The Planning Commission shall have the following powers and duties:

"(a) Make recommendations to the Council respecting the adoption, amendment, or repeal of master, general, comprehensive, precise or specific plans for future physical development of the City or any part thereof, and periodically review the same;

"(b) Make recommendations to the Council respecting the adoption, amendment or repeal of land use and development regulations, including but not limited to zoning and subdivision regulations;

"(c) Make recommendations to the Council respecting the adoption, amendment or repeal of plans or programs for the redevelopment, rehabilitation or renewal of any areas of the City;

"(d) Make recommendations to the Council respecting capital improvement programs; and

"(e) Exercise such other powers and perform such other functions and duties as may be expressly given to it by other provisions of this Charter, or exercise such other powers or perform such other functions as may be prescribed by the Council not inconsistent with the provisions of this Charter."

Charter Amendment—Proposition F

That Section 1217 of the Charter of the City of San Jose be amended to read as follows:

"Section 1217. Bid Requirements. Except as hereinafter otherwise provided, each purchase of supplies and materials and each purchase of equipment, the expenditure for which exceeds the amount which a general law city of the State of California may legally expend for a "public project" (as defined by State law) without a contract let to a lowest responsible bidder after notice, shall be contracted for and let to the lowest responsible bidder after notice; provided and excepting, however, that in no event need any purchase of supplies and materials, or any purchase of equipment, be contracted for or let to a lowest responsible bidder if the expenditure for such supplies and materials, or the expenditure for such equipment, does not exceed Three Thousand Five Hundred Dollars ($3,500.00).

"Except as hereinafter otherwise provided, when the expenditure required for a specific "public works project" (hereinafter defined), excluding the cost of any materials, supplies or equipment which City may have acquired or may separately acquire therefore, exceeds the amount which a general law city of the State of California may legally expend for a "public project" (as defined by State law) without a contract let to a lowest responsible bidder after notice, it shall be contracted for and let to the lowest responsible bidder after notice; provided and excepting, however, that in no event need a specific "public works project" be contracted for or let to a lowest responsible bidder if the expenditure for such "public works project", excluding the cost of any materials, supplies or equipment which the City may have acquired or may separately acquire therefore, does not exceed Three Thousand Five Hundred Dollars ($3,500.00).

"The notice inviting bids shall set a date for the opening of bids, and shall be published at least once, at least ten (10)

days before the date set for opening of bids, in a newspaper of general circulation in the City. All bids shall be presented under sealed cover and accompanied by one of the following forms of bidder's security: (a) cash, (b) cashier's check made payable to the City, (c) certified check made payable to the City, or (d) bidder's bond executed by a corporate surety insurer authorized to engage in such business in California, made payable to City. The security shall be not less than ten percent (10%) of the aggregate amount bid; however, the Council may require a larger amount by specifying such larger amount in the notice inviting bids or in the specifications referred to therein. If the successful bidder fails to execute the contract within the time specified in the notice inviting bids or in the specifications referred to therein, the amount of the security may be declared forfeited to the City and may be collected and paid into its General Fund and all bonds so forfeited may be prosecuted and the amount thereof collected and paid into such fund. All bids shall be publicly opened, and the aggregate bid of each bidder declared, at a time and place specified in the notice inviting bids. The Council shall have the right to waive any informalities or minor irregularities in bids or bidding.

"In its discretion, the Council may reject any or all bids presented. If it rejects all bids, the Council may, in its discretion, readvertise. If two or more bids are the same and the lowest, the Council may accept the one it chooses. If no bids are received, the Council may readvertise, or may acquire the materials, supplies or equipment for which no bids are received, or have the "public works project" for which no bids are received done, without further complying with this Section. If, after rejecting all bids for any supplies, materials or equipment, the Council finds and declares that the bids were excessive, it may have such supplies, materials or equipment purchased at a lower price without further complying with this Section. If, after rejecting all bids for any "public works project" and after readvertising for bids, the Council finds and declares that the bids were excessive, it may have such "public works project" done by City employees without further complying with this Section.

"For purposes of this Section, "public works project" shall be deemed to mean and is hereby defined as a project for the construction, erection, improvement or demolition of any public building, street, bridge, drain, ditch, canal, dam, tunnel, sewer, water system, fire alarm system, electrical traffic control system, street lighting system, parking lot, park or playground; provided and excepting that "public works project" shall not be deemed to mean or include the maintenance of any of said things, or any repairs incidental to such maintenance, or the planting, care or maintenance of trees, shrubbery or flowers. Also, the provisions of this Section shall not apply to any of the following: (a) the purchase or acquisition of any supplies, materials or equipment from any public or governmental body

or agency or from any public utility which is either publicly owned or is regulated by the Public Utilities Commission of the State of California; (b) the purchase of any supplies, materials or equipment which can be obtained from only one vendor or manufacturer; (c) any public work done for the City by any public or governmental body or agency; (d) any public work done by any public utility which is either publicly owned or is regulated by the Public Utilities Commission of the State of California where such work involves any property of such public utility or is otherwise of direct concern to both the City and such public utility; (e) any public work done by a subdivider, developer or owner of real property in connection with the subdivision or development by him of any real property, notwithstanding the fact that such may be subject to entire or partial reimbursement from the City; (f) work involving highly technical or professional skill where the peculiar technical or professional skill or ability of the person selected to do such work is an important factor in his selection; (g) expenditures deemed by the Council to be of urgent necessity for the preservation of life, health or property, provided the same are authorized by resolution of the Council adopted by the affirmative vote of at least five (5) members of the Council and containing a declaration of the facts constituting the urgency; and (h) situations where solicitation of bids would for any reason be an idle act."

Charter Amendment—Proposition G

That Section 1601 of the Charter of the City of San Jose be amended to read as follows:

"Section 1601. Special Municipal Elections. All municipal elections, other than those specified in Section 1600, shall be deemed to be special municipal elections. No special municipal election shall be held at any time other than the times specified in Section 1600 for the holding of general municipal elections, except in any of the following situations: (a) Where such election is held pursuant to Section 410 to fill a vacancy in the Council; (b) Where such election is held pursuant to the initiative, referendum and recall provisions of Sections 1603 and 1604; (c) Where the Council is required to call such an election because of a petition filed pursuant to the provisions of Article XI, Section 8, of the California Constitution; (d) Where such election is consolidated with a State or County election held in the County of Santa Clara; or (e) Where the holding of a special municipal election at another time is authorized by the affirmative vote of not less than six (6) members of the Council. Subject to the above provisions, special municipal elections shall be held at such times and for such purposes as the Council may authorize."

Charter Amendment—Proposition H

That Section 1603 of the Charter of the City of San Jose be amended to read as follows:

"Section 1603. Initiative, Referendum and Recall. The powers of initiative, referendum and the recall of elected municipal officers are hereby reserved to the electors of the City. The provisions of the Elections Code of the State of California, as the same now exists or may hereafter be amended, governing the initiative and referendum and the recall of municipal officers in cities shall be applicable insofar as the same are not in conflict with this Charter; provided, however, that the number of signatures which shall be required for the exercise of said reserved powers shall be as follows:

"(a) Initiative. To initiate proceedings for the exercise of the power of initiative, either of the following provisions shall apply as is applicable:

"(1) If the petition is signed by duly qualified electors of the City equal in number to at least eight percent (8%) of the number of persons eligible to vote at the general municipal election next preceding the filing of the petition, and contains a request that the proposed ordinance be submitted immediately to a vote of the people at a special election, the Council shall either pass the proposed ordinance for publication, without alteration, at the regular meeting at which it is presented by the City Clerk and adopt said ordinance within ten (10) days after it is so presented, or immediately call a special election at which the ordinance, without alteration, shall be submitted to a vote of the voters of the City.

"(2) If the petition is signed by duly qualified electors of the City equal in number to at least five percent (5%) of the number of persons eligible to vote at the general municipal election next preceding the filing of the petition, and the ordinance petitioned for is not required to be, or for any reason is not, submitted to the voters at a special election, and is not adopted without alteration by the Council, then the proposed ordinance, without alteration, shall be submitted by the Council to the voters at the next general municipal election.

"In the event that a petition is submitted in accordance with the provisions of either sub-paragraphs (1) or (2) of this sub-section (a), and the Council submits said proposed ordinance to a vote of the voters of the City, the Council may not at the same time submit an alternative ordinance.

"(b) Referendum. To initiate proceedings for the exercise of the power of referendum, the petition shall be signed by duly qualified electors of the City equal in number to at least eight percent (8%) of the number of persons eligible to vote at the general municipal election next preceding the filing of the petition.

"(c) Recall. To initiate proceedings for the exercise of the power of recall, the petition shall be signed by duly qualified electors of the City equal in number to at least twelve

percent (12%) of the number of persons eligible to vote at the general municipal election next preceding the filing of the petition."

We further certify that we have compared the text of the foregoing amendments 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 16th day of July, 1970.

(SEAL)

RONALD R. JAMES
Mayor of the City of San Jose
FRANCIS L. GREINER
City Clerk of the City of San Jose

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 3(a) 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 Jose, 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 Jose.

RESOLUTION CHAPTER 147

Assembly Constitutional Amendment No. 36—A resolution to propose to the people of the State of California an amendment to the Constitution of the state, by adding Article XXIV, and by repealing Article XXIV, thereof, relating to state civil service.

[Filed with Secretary of State July 30, 1970.]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1970 Regular Session commencing on the fifth day of January, 1970, 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 XXIV is repealed.

Second—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. 36 of the 1970 Regular Session shall not be submitted to the people unless Assembly Bill 2450 of the 1970 Regular Session is enacted by the Legislature and deposited in the office of the Secretary of State.

RESOLUTION CHAPTER 148

Assembly Concurrent Resolution No. 80—Relative to naming portions of State Highway Route 91 the Redondo Beach Freeway and the Artesia Freeway.

[Filed with Secretary of State July 30, 1970.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That State Highway Route 91 between State Highway Route 405 and State Highway Route 7, and any future extension of State Highway Route 91 west of

State Highway Route 405 as a freeway, is hereby designated and named the Redondo Beach Freeway; and be it further

Resolved, That the State Highway Route 91 between State Highway Route 7 and State Highway Route 5 is hereby designated and named the Artesia 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 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 149

Assembly Concurrent Resolution No. 107—
Relative to infant deaths.

[Filed with Secretary of State July 30, 1970.]

WHEREAS, It is estimated that sudden and unexpected death among infants in California, alone, accounts for the loss of an estimated 1,000 to 1,500 human lives annually; and

WHEREAS, This public health problem may account for 10 to 25 percent of the deaths that occur in the first year of life; and

WHEREAS, This problem is most prevalent among infants between two and four months of age, and is especially common among poor families; and

WHEREAS, Many possible causes for sudden infant deaths have been voiced to date but none has proven to be a major factor in causing such deaths; and

WHEREAS, This phenomenon cannot presently be predicted or prevented; and

WHEREAS, Only through further research into all the possible factors involved may scientists discover ways to predict and prevent this problem; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the State Department of Public Health is hereby requested to submit a formal proposal to the National Center for Health Statistics that sudden death of infants be appropriately identified in subsequent revisions of the International Classification of Diseases; and be it further

Resolved, That the State Department of Public Health exert every effort to assure that infant deaths of this type are properly reported by physicians and coroners; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the State Director of Public Health.

RESOLUTION CHAPTER 150

Assembly Concurrent Resolution No. 148—Relative to higher education.

[Filed with Secretary of State July 30, 1970.]

WHEREAS, Disorders, disruption and unrest on many of the campuses of the University of California and the state colleges have created a crisis situation in California's system of higher education; and

WHEREAS, On some campuses, the faculty and administration have chosen to suspend normal classroom activity and course requirements because of this crisis; and

WHEREAS, In some instances course requirements are being relaxed to allow students to drop courses without penalty and without loss of credit, and to allow students to pursue special courses of study for the remainder of the academic year; and

WHEREAS, Many students are anxious to continue their educational progress without unnecessary interruptions or delay; and

WHEREAS, It is important to those students and to the people of California that the California State Colleges and the University of California maintain their academic standing and their full accreditation; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Joint Committee on Higher Education conduct an investigation into the effect of the various changes in academic requirements and regulations upon the accreditation of the institutions involved, and report its findings and recommendations to the Legislature no later than 30 days from the enactment of this resolution.

RESOLUTION CHAPTER 151

Assembly Concurrent Resolution No. 122—Relative to making additional funds available to the Joint Legislative Audit Committee.

[Filed with Secretary of State July 31, 1970.]

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 seven hundred fifty thousand dollars ($750,000), 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 152

Assembly Concurrent Resolution No. 96—Relative to human relations training for teachers and administrators.

[Filed with Secretary of State July 31, 1970.]

WHEREAS, The education of California youth has been and continues to be one of the most important responsibilities of government in this state; and

WHEREAS, A successful educational program depends on classroom teachers and administrators who are professionally oriented and who develop effective instructional programs designed to improve the achievement of their pupils; and

WHEREAS, A key to becoming a highly effective teacher or administrator is understanding the problems and aspirations of pupils and assessing the effectiveness of attitudes, educational strategies and techniques; and

WHEREAS, Improvement in the achievement levels of all students requires special educational approaches and a thorough understanding of the educational and sociological factors contributing to achievement and underachievement; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members request the State Board of Education, the California State Colleges, the California Community Colleges, the University of California, and local school districts to strengthen and expand their preservice and in-service training programs for teachers and administrators; and be it further

Resolved, That such programs of preservice and in-service training include classroom instruction in ethnic studies and directed field experience (defined as those activities which bring administrators and teacher trainees into a one to one relationship with children of differing socioeconomic and cultural backgrounds in situations outside the traditional school curriculum) dealing with children of various ethnic and socioeconomic backgrounds; that programs be conducive to an appreciation of the cross-cultural experiences of children so that staffs may develop more effective instructional programs to improve the achievement of their pupils; and that directed field experience include working with community agencies, both official and nonofficial; and be it further

Resolved, That the State Board of Education, the California State Colleges, the California Community Colleges, and the University of California submit to the Legislature, on or before the fifth calendar day of the 1971 Regular Session, a report indicating the degree to which preservice and in-service training programs have been modified and strengthened in accordance with the intent of this resolution; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the State Board of Education, the Trustees of the California State Colleges, the Board of Governors of the California Community Colleges, and the Board of Regents of the University of California.

RESOLUTION CHAPTER 153

Senate Concurrent Resolution No. 65—Relative to federal flood control and watershed protection projects.

[Filed with Secretary of State July 31, 1970.]

WHEREAS, The federal government, through various programs, constructs flood control and watershed protection projects for the purposes of protecting life and property; and

WHEREAS, These various projects are vital to the well-being and safety of the people of the State of California; and

WHEREAS, Nonfederal agencies, for the purpose of participating in these various federal programs, must provide necessary lands, easements, and rights-of-way and for the relocation of utilities and must enter into agreements to operate and maintain such projects and to hold the United States free from damages due to their construction; and

WHEREAS, The division of these nonfederal responsibilities varies by law between the State of California and various local governmental agencies; and

WHEREAS, The division of these nonfederal responsibilities is a matter of long standing and growing controversy due to the complexities of the many unresolved fiscal, technical, legal and geographical issues involved; and

WHEREAS, There is a growing awareness and concern over the inadequacy of existing law in defining the nonfederal responsibilities for recreation, fish and wildlife enhancement, and environmental enchancement in conjunction with these projects; and

WHEREAS, The determination of new and acceptable standards and criteria for dividing nonfederal responsibilities is a matter of urgent need; and

WHEREAS, These matters were determined by the Senate Committee on Water Resources in hearings pursuant to Senate Resolution 297 of the 1969 Regular Session; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members request the Senate Committee on Water Resources and the Assembly Water Committee to jointly study all facets of California's participation in federal flood control and watershed protection projects, including, but not limited to, cost sharing, division of responsibilities, jurisdictions for land acquisition, operation and maintenance, environmental factors, and liability and to propose legislation reflecting the results of such study; and be it further

Resolved, That the Senate Committee on Water Resources and Assembly Water Committee jointly recommend to the Senate Committee on Rules and the Speaker of the Assembly an equal number of suitable names of individuals representing affected private and governmental interests for appointment to a study advisory group; and be it further

Resolved, That the sum of five thousand dollars ($5,000), or so much thereof as may be necessary, is hereby made available from the Senate Contingent Fund for expenses of the Senate Committee on Water Resources, and the sum of five thousand dollars ($5,000), or so much thereof as may be necessary, is hereby made available from the Assembly Contingent Fund for expenses of the Assembly Water Committee, in conducting this joint study; and be it further

Resolved, That the Senate Committee on Water Resources and the Assembly Water Committee jointly report their findings, including proposed legislation, to the Legislature and Governor not later than the fifth calendar day of the 1972 Regular Session.

RESOLUTION CHAPTER 154

Senate Joint Resolution No. 21—Relative to federal income tax deduction.

[Filed with Secretary of State July 31, 1970.]

WHEREAS, The people of the United States, through all levels of government, have placed great emphasis on the maintenance of a free public education system; and

WHEREAS, Through the years these public schools have provided the opportunity for many great leaders to develop, regardless of their family background; and

WHEREAS, The modern industrial complex is demanding young people of ever increasing knowledge and training to the point where a baccalaureate degree has become almost a necessity; and

WHEREAS, The cost of higher education has forced the various states to impose increasing fees and tuition for attendance at public institutions of higher learning; and

WHEREAS, The middle income taxpayers are suffering more than any other group in this inflationary period and are experiencing increasing difficulty in providing funds for the college education of their sons and daughters; and

WHEREAS, Because statistics show that the average college graduate earns far more during his working years than the high school graduate and pays correspondingly higher taxes; and

WHEREAS, For many other reasons it is greatly to the advantage of the federal government to encourage the higher education of our youth in every way possible; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to enact legislation providing relief from the increasing cost of higher education, including, but not limited to making a portion of the cost of tuition at institutions of higher learning deductible under the Federal Income Tax Law; 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 155

Assembly Concurrent Resolution No. 58—Relative to the Sacramento "Operation Breakthrough" Project.

[Filed with Secretary of State August 3, 1970.]

WHEREAS, The Legislature of the State of California recognizes that shelter is a necessity of life; and

WHEREAS, Adequate housing for low- and moderate-income families is becoming more difficult to produce; and

WHEREAS, Factory-built housing, using the technological and innovative processes of our advanced industrialized society, provides a solution to the problem of adequate safe, sanitary and decent housing; and

WHEREAS, The California State Legislature, recognizing the existence of this solution, enacted the Factory Built Housing Law; and

WHEREAS, California's Department of Housing and Community Development, under the direction of Charles LeMenager, is charged with the implementation of this law; and

WHEREAS, The United States Department of Housing and Urban Development, also recognizing the lack of low-cost housing, implemented "Operation Breakthrough" in order to help solve this need; and

WHEREAS, It was largely through the efforts of the Department of Housing and Community Development and its director that the old fairgrounds located in Sacramento were selected as one of the sites to test new materials and concepts as part of the national "Operation Breakthrough" program; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature pledges its support and encouragement to the Sacramento "Operation Breakthrough" Project.

RESOLUTION CHAPTER 156

Assembly Concurrent Resolution No. 84—Relative to civil service.

[Filed with Secretary of State August 3, 1970.]

WHEREAS, Many entry level, relatively unskilled employment opportunities in civil service on the local, county and state levels are closed to prospective applicants by the imposition of fixed and absolute educational requirements and by the imposition of testing and other selection procedures which are of questionable relevance to the actual work to be performed; and

WHEREAS, This creates a highly undesirable situation which calls for corrective action; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the State Personnel Board is directed to review its class specifications and job classification procedures in order to eliminate, whenever possible, educational requirements which have no bearing upon the job to be performed and to revise such written tests as may be deemed necessary so that they relate primarily to the actual job being performed; and be it further

Resolved, That the Legislature of the State of California encourages local civil service commissions to dispense with fixed and absolute educational requirements of questionable relevance to entry level positions and to revise testing procedures so that the tests are related specifically to the job to be performed; and be it further

Resolved, That the Legislature of the State of California will review this situation in 1971 to ascertain what progress has been made and if none is apparent will take further appropriate action; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the State Personnel Board and to local civil service commissions.

RESOLUTION CHAPTER 157

Assembly Concurrent Resolution No. 152—Relative to God Bless America Week.

[Filed with Secretary of State August 3, 1970.]

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 Assembly of the State of California, the Senate thereof concurring, That the members request the Governor to proclaim the week of June 28 through July 5 God Bless 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 158

Assembly Concurrent Resolution No. 190—Relative to commending Jack A. Hayes.

[Filed with Secretary of State August 3, 1970]

WHEREAS, The Members of the California Legislature have learned that Jack A. Hayes is retiring as Secretary of the State Bar of California on September 30, 1970; and

WHEREAS, Jack A. Hayes joined the staff of the State Bar of California in February, 1946, directly from the 10th Air Force in which he had served at home and overseas in India and Burma during World War II, attaining the rank of lieutenant colonel, and after serving as assistant secretary, he was appointed Secretary of the State Bar of California in 1953; and

WHEREAS, During his 17 years as secretary, the State Bar of California has grown tremendously from 12,775 active members in 1946 to 30,652 active members in 1970, during all of which time Jack A. Hayes has worked on many varied assignments for the State Bar of California with demonstrated ability and a gracious willingness to do any job; and as a result of his efforts, the State Bar of California's major tasks have grown in depth and scope in the fields of (a) improving the administration of justice, (b) upgrading the legal profession, and (c) assisting the ability of the individual attorney in better serving his clients; and

WHEREAS, As a result of Jack A. Hayes' outstanding ability and gracious manner he is known and respected throughout the legal profession; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature, on the occasion of the retirement of Jack A. Hayes, commend him for his many great contributions to the legal profession and to our society and take this memorable occasion to wish him many more years of accomplishment; and be it further

Resolved, That the Chief Clerk of the Assembly transmit suitably prepared copies of this resolution to Jack A. Hayes, to the Hayes family, and to the State Bar of California.

RESOLUTION CHAPTER 159

Senate Concurrent Resolution No. 99—Approving an amendment to the Charter of the City of Alhambra, State of California, ratified by the qualified electors of the city at a special municipal election consolidated with the general primary election held therein on the second day of June, 1970.

[Filed with Secretary of State August 3, 1970.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of an amendment to the Charter of the City of Alhambra, 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 BY ELECTORS OF THE CITY OF ALHAMBRA OF THAT CERTAIN CHARTER AMENDMENT

State of California
County of Los Angeles } ss.
City of Alhambra

We, the undersigned, Talmage V. Burke, Mayor of the City of Alhambra, and Dorothy McKusick, City Clerk, 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).

Pursuant to the provisions of Section 8(h) of Article XI of the Constitution of the State of California, that certain Amendment to the Charter of the City of Alhambra, designated as Proposition No. 3, was duly proposed by petition of the electors of said City.

The City Council of said City, being its legislative body, by Ordinance No. 070-3469, duly adopted on the 7th day of April, 1970, ordered the holding of a Special Municipal Election in said City of Alhambra on June 2, 1970, for the purpose of submitting to a vote the said proposed Charter Amendment, among other measures. The text of said proposed Charter Amendment is set forth in Resolution No. R70-71, adopted on the 7th day of April, 1970.

By Resolution No. R70-75, adopted on the 7th day of April, 1970, said City Council requested the Board of Supervisors of the County of Los Angeles to order the consolidation of said Alhambra Special Municipal Election to be held on June 2, 1970, with a Consolidated General Primary Election to be held in Los Angeles County on June 2, 1970. Said resolution further requested the Board of Supervisors of the County of Los Angeles to place upon the same ballot as that provided for said Consolidated General Primary Election the aforesaid Alhambra City Charter Amendment. Said resolution further requested the Board of Supervisors to canvass the returns of said Alhambra Special Municipal Election.

On April 8, 1970, said Board of Supervisors of the County of Los Angeles duly notified the City of Alhambra that said Board of Supervisors had adopted an order approving the request of said City of Alhambra for complete consolidation of the Alhambra Special Municipal Election with the Consolidated General Primary Election (Direct Primary Election) to be held in Los Angeles County on June 2, 1970, and instructing the Los Angeles County Registrar-Recorder to comply with said order.

In accordance with Section 8 of Article XI of the Constitution of the State of California, said proposed Charter Amendment was duly published and advertised on April 15 and 22, 1970, in the Post-Advocate, a daily newspaper of general circulation printed, published and circulated in the City of Alhambra, which newspaper is the official newspaper of said City.

Said proposed Amendment was 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 Amendment could be had upon application therefor in the office of the City Clerk of said City, and copies of said proposed Amendment, so printed in convenient form, were duly and regularly distributed in the manner provided by law.

The date of said election on June 2, 1970, was not less than forty days nor more than sixty days after the completion of the publication of said proposed Charter Amendment as aforesaid.

Pursuant to said Charter, resolutions and ordinance, the said proposed Amendment was submitted to the qualified electors of said City for their ratification on said June 2, 1970, and at said election a majority of the qualified electors voting thereon voted for the ratification of and did ratify that certain Amendment to the Charter of said City designated as Proposition No. 3.

Said Alhambra City Charter Amendment so ratified by the electors of the City of Alhambra is in words and figures as follows, to wit:

Proposition No. 3

(Adds new Section 59b to Article VII of the Alhambra City Charter)

Section 59b Powers to Incur Indebtedness Restricted

The City of Alhambra shall be restricted from incurring, directly or indirectly, any indebtedness by reason of its power to enter into "Joint Powers Agreements" as authorized by Chapter 5, Division 7, Title–1 (commencing with section 6500) of the Government Code of the State of California, unless—

1. the aggregate principal amount of revenue bonds to be issued shall not exceed twenty-five thousand dollars ($25.000.00) unless the proposition of issuing such revenue bonds in excess of said amount shall have been submitted to the electors of the city and shall have been approved by a two-thirds (⅔) majority of voters voting upon the proposition at a prior General or Special Municipal Election;

2. every Joint Powers Agreement presented to the electors for its consent shall recite, in detail, the specific projects to be financed;

3. every Joint Powers Agreement presented to the electors for its consent shall recite a specific financial obligation limit (debt ceiling) to be committed, and, for which amount only (or lesser amount) the authorized revenue bonds shall be issued and sold. Said debt ceiling shall restrict the city from incurring additional indebtedness without the further consent of the electors as stated above per Sub-Section 1.

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 true.

As to the 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 corporate seal of the City of Alhambra to be affixed hereto this 7th day of July, 1970.

TALMAGE V. BURKE
(SEAL) Mayor of the City of Alhambra
DOROTHY McKUSICK
City Clerk of the City of Alhambra

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 3(a) 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 Alhambra, 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 Alhambra.

RESOLUTION CHAPTER 160

Assembly Concurrent Resolution No. 156—Approving amendments to the Charter of the City of Los Alamitos, 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 August 3, 1970.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of amendments to the Chapter of the City of Los Alamitos, 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:

CHARTER AMENDMENT CERTIFICATE

State of California }
County of Orange } ss.
City of Los Alamitos }

We, the undersigned, Dale Kroesen, Mayor of the City of Los Alamitos, State of California, and Doris Pass, City Clerk of the City of Los Alamitos, State of California, and ex-officio clerk of the City Council of said City, do hereby certify and declare as follows:

That the undersigned, Doris Pass, was duly appointed City Clerk of the City of Los Alamitos on July 1, 1969 and that immediately prior thereto she had served continuously as Deputy City Clerk from January 15, 1964, and as such was the Deputy Clerk of the legislative body of the City of Los Alamitos and the Deputy City Clerk of said City of Los Alamitos, that heretofore and prior to the 13th day of August, 1968, that said City Council of the City of Los Alamitos did cause to be framed, a proposed Charter Amendment, amending certain sections of the City Charter previously adopted by electors of the City, and on the 13th day of August, 1968 at a Regular Meeting of said City Council of said City, the City Council by Resolution No. 363 adopted by the unanimous vote of all of its members present, all five (5) members being present, ordered the then City Clerk, James Smith, to place the proposition of adopting the proposed Charter Amendments on the ballot at a special municipal election consolidated with the general election held on November 5, 1968 for the purpose of submitting said proposition to the electors of the City of Los Alamitos, and which Resolution ordered that said Charter Amendment be filed in the office of the City Clerk of the City of Los Alamitos; that said proposed Charter Amendment of the City of Los Alamitos consisting of amendments to Sections 704, 706, 801, 802, 803, 804, 1211 and 1404, were filed in the office of the City Clerk in the City Hall at Los Alamitos, California and said Resolution further ordered that the adoption of the Charter Amendment should be submitted to the electors at a special municipal election held on the 5th day of November, 1968 and directed that the said City Clerk publish said proposed Amendments in the News Enterprise, the official newspaper of the City, which is a newspaper of general circulation printed and published in the City of Los Alamitos.

That said proposed Charter Amendments were published pursuant to said order in the Los Alamitos News Enterprise on the 19th day of September, 1968; that the date set forth as submission to the electors of said proposed Charter Amendments to wit: November 5, 1968, was not less than forty (40) nor more than sixty (60) days after the completion of the advertising in said official newspaper as aforesaid.

That until the day fixed for the election upon said Charter Amendments, there was advertised in the Los Alamitos News Enterprise, a notice that copies of said Charter Amendments were available in the office of the City Clerk in the City Hall of the City of Los Alamitos and could be secured upon application therefor at said office; that such copies were so available.

That the population of the City of Los Alamitos is more than 3,500 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 held on the 5th day of November, 1968 and that at such election a majority of

the qualified voters voting thereon voted in favor of said proposed Charter Amendments and for the ratification and adoption thereof.

That said City Council of the City of Los Alamitos at a meeting duly held on December 10, 1968, at the time and in the form and manner required by law and in accordance with the law in such cases made and provided, duly canvassed the returns of said election and duly found and determined and declared that a majority of said electors voting thereon had voted in favor of the proposed Charter Amendments and for the ratification and adoption thereof, and that the same were adopted and ratified by more than the majority of the qualified voters in the City of Los Alamitos voting thereon, as follows to wit:

Measure E Proposed Charter Amendment (Section 704)
Yes—2,197 No—653
Measure F Proposed Charter Amendment (Section 706)
Yes—2,065 No—608
Measure G Proposed Charter Amendment (Section 801)
Yes—1,916 No—572
Measure H Proposed Charter Amendment (Section 802)
Yes—2,083 No—671
Measure I Proposed Charter Amendment (Section 803)
Yes—2,070 No—685
Measure J Proposed Charter Amendment (Section 804)
Yes—2,066 No—655
Measure K Proposed Charter Amendment (Section 1211)
Yes—2,236 No—523
Measure L Proposed Charter Amendment (Section 1404)
Yes—2,172 No—576

That said Charter Amendments so prepared, proposed, submitted, ratified and adopted are in words and figures following, to wit:

"Article VII
City Manager

Section 704. Powers and Duties: The City Manager shall be the administrative head of the City Government, and he shall be responsible to the City Council for the proper administration of all affairs of the City, and shall be given such powers and duties as the Council may from time to time provide by ordinance.

"Section 706. Acting City Manager: The City Manager may appoint an Acting City Manager to act in his behalf during his absence. Any such appointment by the City Manager shall be with the approval of the City Council. If the position of City Manager becomes vacant or the City Manager is absent or is incapacitated to such an extent he cannot perform his duties, then the Council may appoint an Acting City Manager until the position of City Manager is filled.

"Article VIII
Other Officers, Departments and Employees
and Provisions Relating to Officers Generally

Section 801. Administrative Departments: The City Council may provide by ordinance not inconsistent with this Charter, for the organization, conduct and operation of the several offices and departments of the City as established by this Charter, and for the creation of additional departments, divisions, offices and agencies and for their consolidation, alteration or abolition. Each new department created by the City Council shall be headed by an officer as department head.

"The City Council, by ordinance or resolution, may assign additional functions or duties to offices, departments or agencies not inconsistent with this Charter. Where the positions are not incompatible, the City Council may combine in one person the powers and duties or two or more offices created or authorized by this Charter. The City Council shall provide for the number, titles, qualifications, powers, duties and compensation of all officers and employees.

"Section 802. City Clerk, Powers and Duties: The City Clerk shall have the power, and be required to perform the functions and responsibilities that the City Council may from time to time determine by ordinance or resolution.

"Section 803. Treasurer: The City Treasurer shall have the power, and be required to perform the functions and responsibilities that the City Council may from time to time determine by ordinance or resolution.

"Section 804. City Attorney, Powers and Duties: To become eligible for City Attorney, or Assistant 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 engaged in the practice of law for at least three years prior to his appointment. The City Attorney shall have power and be required to perform the duties and responsibilities that the City Council may from time to time determine by ordinance or resolution.

"Article XII
Fiscal Administration

Section 1211. Requirement of Council Approval: Notwithstanding anything contained in this Charter to the contrary, the City Manager shall not approve any claim nor pay any demand without the prior approval of the majority of the City Council by voting by roll call vote at a regular meeting of the City Council.

"Article XIV
Definitions and Miscellaneous

Section 1404. Absence From the State. Any Council member may leave the State for a period not exceeding sixty (60) days without permission of the City Council upon filing with the City Clerk notice of his designation and length of absence."

That said election was held in accordance with the election laws of the State of California relating to the governing elections in cities.

DALE KROESEN,
(SEAL) Mayor of the City of Los Alamitos
Attest:
DORIS PASS
City Clerk of the City of Los Alamitos
Dated: March 18, 1970

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; 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 Los Alamitos, County of Orange, 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 Los Alamitos, County of Orange.

RESOLUTION CHAPTER 161

Assembly Joint Resolution No. 37—Relative to water pollution.

[Filed with Secretary of State August 5, 1970.]

WHEREAS, California is faced with serious water pollution problems; and

WHEREAS, Water pollution degrades the environment, affects resources, and is detrimental to the well-being of California's citizens; and

WHEREAS, The California Legislature has been informed by the State Water Resources Control Board that certain federal installations, including the following, are not complying with the requirements established by the California regional water quality control boards and are causing water pollution problems:

Fort Ord
Hunters Point Shipyard
Klamath Air Force Base, Requa
Lemoore Naval Air Station
Los Alamitos Naval Air Station
McClellan Air Force Base
Mill Valley Air Force Base

Naval vessel waste in general including oil spills
Oakland Army Base
Quechan Indian Reservation
United States Army, Fort MacArthur
United States Marine Corps Air Station, El Toro
United States Naval Ordnance Laboratory, Corona
United States Naval Station and Shipyard, Long Beach
United States Navy, Alameda Naval Air Station
United States Navy, Concord Naval Weapons Station
United States Navy, Construction Battalion Center, Port Hueneme
United States Navy, North Island Naval Air Station
United States Navy, Mare Island
United States Navy, Point Molate
United States Navy, Salton Sea Test Base
United States Navy, San Clemente Island
United States Navy, San Nicolas Island
United States Navy, Skaggs Island
United States Navy, Yerba Buena Island
Vandenberg Air Force Base;

and

WHEREAS, The federal government should show leadership in the maintenance of a quality environment for California by not polluting the state's waters; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President of the United States to direct the responsible federal officials to comply with the California regional water quality control board standards so that the existing pollution caused by these federal installations will be corrected at the earliest possible time; and be it further

Resolved, That the Legislature respectfully memorializes the President of the United States to direct the responsible federal officials to advise the California Legislature of the date on which each federal installation will meet California regulations on water quality; 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 Chairman of the Federal Council on Environmental Quality, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 162

Assembly Concurrent Resolution No. 94—Relative to the Fast Breeder Reactor.

[Filed with Secretary of State August 5, 1970.]

WHEREAS, It is recognized that the largest portion of future California electric power additions will be nuclear reactor plants; and

WHEREAS, The Fast Breeder Reactor will extract 35 times more energy from uranium than present reactors, thus assuring an unlimited supply of energy; and

WHEREAS, The Fast Breeder Reactor will provide the lowest cost nuclear electric power; and the lowest cost water from dual purpose nuclear desalination plants; and

WHEREAS, The Fast Breeder Reactor will reject one-third less heat to the environment than present water reactors; and

WHEREAS, California reactor manufacturers are leaders in the development of the Fast Breeder Reactor and it would strengthen the state's economy by securing to California reactor manufacturers their share of the Fast Breeder Reactor market; and

WHEREAS, California residents will save $100 million by 1995 if the Fast Breeder Reactor achieves commercial status in 1980 rather than in 1985, according to the Edison Electric Institute; and

WHEREAS, Large-scale Fast Breeder Reactor nuclear desalination plants would be feasible by 1985 if commercial status is attained in 1980; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That it is the policy of the State of California to encourage the most rapid development and commercialization of the Fast Breeder Reactor on a priority basis and to support in all possible ways the Fast Breeder Reactor progress of the California manufacturers and electric utilities, the Fast Breeder Reactor programs of the United States Atomic Energy Commission and the efforts of the United States Congress Joint Committee on Atomic Energy to advance this nationally important development; and be it further

Resolved, That the Governor of the State of California be requested to advise the executive branch of the federal government of this state's policy with a recommendation for an increase in AEC Fast Breeder Reactor development funding and priority; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Governor and to the Secretary of Resources.

RESOLUTION CHAPTER 163

Assembly Concurrent Resolution No. 110—Relative to predatory animal damage control activities.

[Filed with Secretary of State August 5, 1970]

WHEREAS, The preservation, protection, and enhancement of all fish and wildlife in the State of California is essential to

the maintenance of high-quality environment and ecological stability; and

WHEREAS, Predatory animals assist in preserving the balance of nature consistent with the protection of the public health and private property of the state; and

WHEREAS, Excessive and needless extermination of predatory animals could create a severe ecological imbalance in the state; and

WHEREAS, The State of California has entered into predatory animal damage control contracts with the U.S. Department of the Interior, Bureau of Sport Fisheries and Wildlife; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the State Departments of Agriculture and Public Health submit to the Legislature, not later than January 15, 1971, a report of predatory animal damage control activities in the State of California including, but not limited to, a justification for the scope and extent of predatory animals in the State of California which have been taken since January 1, 1960; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Directors of Agriculture and Public Health.

RESOLUTION CHAPTER 164

Assembly Concurrent Resolution No. 111—Relative to the Los Angeles Area Freeway Surveillance and Control Project.

[Filed with Secretary of State August 5, 1970.]

WHEREAS, The California freeway and expressway system of 12,460 miles will serve directly, or closely, all population centers estimated to reach 5,000 or more by 1980; and

WHEREAS, It is readily apparent that for the freeway system to be operating at maximum efficiency with the greatest convenience and safety to the public, the freeway system must be operated as a total integrated system of transportation; and

WHEREAS, The Los Angeles Area Freeway Surveillance and Control Project is a 42-mile experimental project located on the Santa Monica, San Diego, and Harbor Freeways to determine the feasibility of operating freeways as an integrated system of transportation by means of a real-time surveillance and control system; and

WHEREAS, The experimental project will involve techniques to provide traffic sensitive ramp control, early detection and rapid removal of disabled vehicles and other hazards from freeways, an effective warning and information system for the motorist, and services for the stranded motorist; and

WHEREAS, The project will be under construction this year, and it is expected that the testing and evaluation of data obtained from the project will be completed by 1973; and

WHEREAS, It is necessary that the Legislature be informed as to the progress and tentative results and conclusions during the experiment so that desirable legislation, if necessary, regarding the implementation of real-time surveillance and control systems for the operation of freeways may be enacted at the earliest possible time; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members hereby request the Department of Public Works to submit progress reports on the Los Angeles Area Freeway Surveillance and Control Project to the Legislature by the 30th calendar day of each regular session of the Legislature, and the final report within 90 days after completion of the experiment; 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 165

Assembly Concurrent Resolution No. 112—Relative to widening the Valley View Avenue Overcrossing.

[Filed with Secretary of State August 5, 1970]

WHEREAS, The widening of the Valley View Avenue Overcrossing over the Santa Ana Freeway will not be undertaken until the 1974–1975 fiscal year under the current programming of funds in District VII; and

WHEREAS, Delay of construction of urgently needed improvements until that time will result in intolerable traffic and safety problems as indicated in engineering studies, traffic flow counts, and sheriff and accident reports; and

WHEREAS, The present intolerable traffic situation will be further exacerbated by the expected economic growth of the surrounding cities and industrial areas; and

WHEREAS, To prevent further loss of lives and to reduce the number of accidents, it is necessary that the urgently needed improvements on the Valley View Avenue Overcrossing be constructed at the earliest possible time; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members hereby request the California Highway Commission to direct the Division of Highways to review its current programming of funds for District VII and to grant the urgently needed improvements on the Valley View Avenue Overcrossing a higher priority than that presently granted; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the California Highway Commission.

RESOLUTION CHAPTER 166

Assembly Concurrent Resolution No. 164—Relative to television coverage of San Francisco 49er's-Oakland Raiders.

[Filed with Secretary of State August 5, 1970]

WHEREAS, The Oakland Raiders will host the San Francisco 49er's on December 20, 1970, in the Oakland Coliseum in the final regular season National Football League game for both teams; and

WHEREAS, This Raider-49er football game is a natural rivalry with full home attendance assured; and

WHEREAS, The close proximity of the rival cities increases public interest and makes prohibition of home-game telecasting unnecessary from the management's point of view and undesirable from the fans' point of view; and

WHEREAS, Special approval by the Oakland Raiders' management is necessary to bring this featured sporting event to the view of thousands of fans of both teams who would otherwise be unable to see the game; and

WHEREAS, The people of the State of California, and the people of the San Francisco Bay area in particular, have vigorously supported the Oakland Raiders, thus assuring the financial success of its ownership, management and players; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Oakland Raiders Football Team is requested to authorize full television coverage of this important athletic contest.

RESOLUTION CHAPTER 167

Senate Constitutional Amendment No. 19—A resolution to propose to the people of the State of California an amendment to the Constitution of the state, by amending subdivision (b) of Section 1 of, and subdivision (b) of Section 4 of, Article XI thereof, relating to salaries of public officers.

[Filed with Secretary of State August 7, 1970]

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its 1970 Regular Session commencing on the fifth day of January, 1970, 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 subdivision (b) of Section 1 of Article XI is amended to read:

(b) The Legislature shall provide for county powers and an elected governing body in each county. Except as provided

in subdivision (b) of Section 4 of this article, each governing body shall prescribe by ordinance the compensation of its members, but the ordinance prescribing such compensation shall be subject to referendum. 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.

Second—That subdivision (b) of Section 4 of Article XI is amended to read:

(b) The compensation, terms, and removal of members of the governing body. If a county charter provides for the Legislature to prescribe the salary of the governing body, such compensation shall be prescribed by the governing body by ordinance.

RESOLUTION CHAPTER 168

Assembly Constitutional Amendment No. 9—A resolution to propose to the people of the State of California an amendment to the Constitution of the state, by amending subdivisions (a) and (c) of Section 12 of Article IV thereof, relating to the state budget.

[Filed with Secretary of State August 10, 1970.]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1970 Regular Session commencing on the fifth day of January, 1970, 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 subdivision (a) of Section 12 of Article IV be amended to read:

SEC. 12. (a) Within the first 10 days of each regular session, commencing with the 1972 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.

Second—That subdivision (c) of Section 12 of Article IV be amended to read:

(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. Commencing in 1972, the Legislature shall pass the budget bill by midnight on June 15 of each year. 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.

And be it further resolved, That if Assembly Constitutional Amendment No. 2 is adopted by the people, as follows:

First—That subdivision (a) of Section 12 of Article IV be amended to read:

(a) Within the first 15 days of each calendar year, 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.

Second—That subdivision (c) of Section 12 of Article IV be amended to read:

(c) The budget shall be accompanied by a budget bill itemizing recommended expenditures. The bill shall be introduced immediately in each house by the chairman of the committees that consider appropriations. The Legislature shall pass the budget bill by midnight on June 15 of each year. Until the budget bill has been enacted in a calendar year, the Legislature shall not send to the Governor for approval in that calendar year any other appropriation bill, except emergency bills recommended by the Governor or appropriations for the salaries and expenses of the Legislature.

And be it further resolved, That it is the intent of the Legislature, if the amendments to subdivisions (a) and (c) of Section 12 of Article IV of the State Constitution proposed by this resolution and by Assembly Constitutional Amendment No. 2 of the 1970 Regular Session are approved by the electors, that both shall be given effect and incorporated in Article IV. Therefore, in the event Assembly Constitutional Amendment No. 2 is approved by the electors, the provisions of the second resolved clause of this resolution shall become operative at the same time that Assembly Constitutional Amendment No. 2 becomes operative, and at that time subdivisions (a) and (c) of Section 12 of Article IV as amended by the first resolved clause of this resolution are repealed.

And be it further resolved, That if Assembly Constitutional Amendment No. 6 of the 1969 Regular Session is adopted by the people, as follows:

First—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, notwithstanding Section 12 of this article 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.

Second—That if this measure and Assembly Constitutional Amendment No. 6 of the 1969 Regular Session are both adopted by the people, Section 12.1 of Article IV shall be added in the form shown in this resolved clause and not as shown in Assembly Constitutional Amendment No. 6 of the 1969 Regular Session of the Legislature.

Third—That Section 12 of Article IV not be amended by Assembly Constitutional Amendment No. 6 of the 1969 Regular Session of the Legislature.

RESOLUTION CHAPTER 169

Assembly Constitutional Amendment No. 32—A resolution to propose to the people of the State of California an amendment to the Constitution of the state, by adding Section 23 to Article XX thereof, relating to the state college system of California.

[Filed with Secretary of State August 10, 1970]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1970 Regular Session commencing on the fifth day of January, 1970, 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 Section 23 to Article XX thereof, to read:

SEC. 23. Notwithstanding any other provision of this Constitution, the Speaker of the Assembly shall be an ex officio member, having equal rights and duties with the nonlegislative members, of any state agency created by the Legislature in the field of public higher education which is charged with the management, administration, and control of the State College System of California.

RESOLUTION CHAPTER 170

Assembly Constitutional Amendment No. 43—A resolution to propose to the people of the State of California an amendment to the Constitution of the state, by amending Section

11 of Article V and Section 2 of Article IX thereof, relating to vacancies in public office.

[Filed with Secretary of State August 10, 1970.]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1970 Regular Session commencing on the fifth day of January, 1970, 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 11 of Article V is amended to read:

SEC. 11. The Lieutenant Governor, Attorney General, Controller, Secretary of State, and Treasurer shall be elected at the same time and places and for the same term as the Governor.

The Supreme Court has exclusive jurisdiction to determine all questions of vacancy in the office of Lieutenant Governor, Attorney General, Controller, Secretary of State, and Treasurer.

Authority to raise questions of vacancy is vested exclusively in a body provided for by statute.

Second—That Section 2 of Article IX is amended to read:

SEC. 2. A Superintendent of Public Instruction shall be elected by the qualified electors of the State at each gubernatorial election. He shall enter upon the duties of his office on the first Monday after the first day of January next succeeding his election.

The Supreme Court has exclusive jurisdiction to determine all questions of vacancy in the office of Superintendent of Public Instruction.

Authority to raise questions of vacancy is vested exclusively in a body provided for by statute.

RESOLUTION CHAPTER 171

Assembly Constitutional Amendment No. 66—A resolution to propose to the people of the State of California an amendment to the Constitution of the state, by repealing Article XXVII, relating to social welfare.

[Filed with Secretary of State August 10, 1970.]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1970 Regular Session commencing on the fifth day of January, 1970, 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 repealing Article XXVII.

RESOLUTION CHAPTER 172

Assembly Concurrent Resolution No. 134—Relative to a study of access to national and state parks.

[Filed with Secretary of State August 12, 1970.]

WHEREAS, The people of the State of California have demonstrated their desire for recreational facilities in a natural environment by the establishment of systems of national and state parks, beaches and recreation areas; and

WHEREAS, The state's history has been preserved by appropriately located monuments and markers which have been included in the national and state park systems; and

WHEREAS, The general well-being of the people is enhanced by the systems being made available to the broadest possible segment of that public which made the systems possible; and

WHEREAS, Availability of national and state parks is dependent upon ready and convenient access; and

WHEREAS, A systematic study and examination of existing and proposed access of the general public to the various facilities of the national and state park systems and recreational areas is an essential increment to the proper planning and development of the resources of the state; and

WHEREAS, The Department of Public Works has initiated a continuous functional classification process in California in response to Senate Resolution No. 49, adopted February 17, 1969, which calls for a functional classification study of all highways, streets, and roads in this state as part of the review under Senate Resolution No. 154 of the 1968 session; and

WHEREAS, The functional classification study will provide a classification of all existing and proposed highways, roads and streets on the basis of the most logical usage of the facilities to serve present and projected travel and land use; 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 Works to conduct a study of access of the general public to all of the various facilities included in the national and state park systems; and be it further

Resolved, That the Department of Public Works enter into cooperative agreements with the Department of Parks and Recreation to the extent appropriate to the accomplishment of the purposes of this resolution; and be it further

Resolved, That the Department of Public Works is requested to cooperate with federal authorities in this study; and be it further

Resolved, That the Department of Public Works conduct these studies in concert with and concurrently with the continuous functional classification process in California; and be it further

Resolved, That such studies shall include consideration of access to facilities of the national and state park systems by means other than highways, streets, or roads; and be it further

Resolved, That such studies shall also include consideration of present and projected attendance at the facilities of the national and state park systems and recommendations as to projects which would enhance the ability of the general public to gain access to the many facilities on the national and state park systems, including designation of appropriate jurisdictions to construct and maintain access facilities, the cost of such facilities, and an appropriate order of priorities; and be it further

Resolved, That the Department of Public Works report its findings to the Legislature no later than the fifth calendar day of the 1972 Regular Session; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Director of Public Works and to the Director of Parks and Recreation.

RESOLUTION CHAPTER 173

Assembly Concurrent Resolution No. 185—Approving amendments to the Charter of the City of Alameda, State of California, ratified by the qualified electors of the city at a special municipal charter amendment election consolidated with the state direct primary election held therein on the second day of June, 1970.

[Filed with Secretary of State August 13, 1970]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of amendments 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 the 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, Terry LaCroix, Jr., Mayor of the City of Alameda, and Irma L. Nelson, 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. 7598, adopted on March 3, 1970, 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 2nd day of June, 1970, and consolidated with the Primary 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 20th day of April, 1970, 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 May 4, 1970, 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 May 4, 1970, 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 2nd day of June, 1970, 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 No. 7644 duly adopted on July 7, 1970, duly find and de-

clare 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, said vote being 9,209 "yes", and 4,147 "no".

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 new Sections 2-1.1 of Article II, and 3-1.1 of Article III of said Charter, which read as follows:

"Sec. 2-1.1. Notwithstanding any other provision of this Charter to the contrary, the matters contained in this Section shall be controlling as to the office of the Mayor. Commencing April 20, 1971, and thereafter, the Mayor shall be an elective officer of the City, and shall hold office for a term of four years, and until his successor is elected or appointed and qualified, unless sooner removed from office pursuant to Article XX of this Charter or otherwise The method of nomination and election of the Mayor shall be as provided in this Charter for the nomination and election of other elective officers of the City. The office of Mayor shall be a separate office and be arranged on a ballot in a separate column and shall be first in order of arrangement. Eligibility for office of Mayor shall consist of the qualifications set forth in this Charter for other elective officers. The provisions of this Charter which provide for the manner of selecting a candidate to fill office in the event of a tie vote shall apply to the office of Mayor. A vacancy in the office of Mayor shall be filled in the manner set forth in Section 2-7 of this Charter. The Mayor shall receive a monthly compensation of Two Hundred Dollars ($200.00), payable at the time and in the manner as fixed by the Council, and shall be in addition to that provided in Sections 2-4 and 6-4. The intent of this section is hereby declared to be only to make the Mayor an elective officer of the City and to provide the compensation therefor, as set forth herein. Except to the extent they are inconsistent with the provisions of this section, other provisions of this Charter relating to the Mayor shall apply to the Mayor provided for by this section.

"Sec. 3-1.1. Notwithstanding any other provision of this Charter to the contrary, this section shall control as to the matters herein contained. Commencing April 20, 1971, the Council shall consist of the Mayor and four Councilmen, elected in the manner set forth in Section 2-1.1 and elsewhere in this Charter. From and after such date, all provisions of this Charter which are inconsistent with the provisions of this

section shall be deemed amended or repealed whichever is appropriate."

And we, and each of us, further certify that we have compared the foregoing proposed and ratified amendments 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 amendments.

The foregoing proposed and ratified amendments 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 amendments, this certificate shall be taken as a full and complete certification of the regularity of all proceedings had and done in connection therewith.

And we, and each of us, submit as attachments hereto, pursuant to Section 62 of the Elections Code of California, true, correct and certified copies of the following:

(a) All publications and notices required by Section 8 of Article XI of the Constitution or by the laws of the State of California in connection with an election to amend a city charter, all as referred to hereinabove in this certification.

(b) Any arguments for or against (there being one argument for and none against) the proposed amendments to a charter which were mailed, as aforesaid, to voters pursuant to Section 5012 of said Elections Code.

(c) An abstract of the vote at the election at which the proposed amendments to said Charter were approved by the voters.

In witness whereof, we have hereunto set our hands and caused the seal of the City of Alameda to be affixed hereto this 10th day of July, 1970.

TERRY LACROIX, JR.
(SEAL) Mayor of the City of Alameda
IRMA L. NELSON
City Clerk of the City of Alameda

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 3(a) 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 Alameda, 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 Alameda.

RESOLUTION CHAPTER 174

Senate Concurrent Resolution No. 30—Relative to a flood hazard investigation in San Diego County.

[Filed with Secretary of State August 13, 1970.]

WHEREAS, The Department of Water Resources is authorized by Water Code Sections 225, 226 and 8300 to carry on topographic surveys and investigations into matter pertaining to the water resources of the state along the lines of hydrographic and hydroeconomics, to investigate surface water conditions, and to make examinations of land subject to inundation and overflow by flood waters; and

WHEREAS, During the past three decades the floodplains within San Diego County have experienced a rapid urbanization; and

WHEREAS, San Diego County urgently needs information delineating areas of inundation by floods of various frequencies in order properly to manage and control land used on the floodplains; and

WHEREAS, An investigation by the Department of Water Resources is needed to supplement the floodplains information program of the U.S. Army Corps of Engineers; 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 County of San Diego on a 50-50 matching basis, conduct an investigation in the County of San Diego for the purpose of providing information identifying areas of inundation for various sizes of flood and to provide data that can serve as a basis for prudent management of land within the floodplains and proper planning and construction of flood control improvement; 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 175

Senate Concurrent Resolution No. 38—Relative to designating Blue Star Memorial Highways.

[Filed with Secretary of State August 13, 1970.]

WHEREAS, The Blue Star Memorial Highway concept was conceived by the National Council of State Garden Clubs as a living tribute to the men and women of the nation's armed services; and

WHEREAS, The Blue Star Memorial Highways of California have been sponsored in many areas throughout the state in cooperation with the Department of Public Works; and

WHEREAS, The California Garden Clubs, Inc., acting on the initiative of its Bay Bridges District, has adopted a resolution petitioning that the scope of the Blue Star Memorial Highways be extended to include Interstate Route 680 in Contra Costa County; and

WHEREAS, It is fitting and appropriate that this further recognition be accorded the services and sacrifices of our servicemen so valiantly rendered; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That Interstate Route 680 in Contra Costa County is designated a Blue Star Memorial Highway; and be it further

Resolved, That the Department of Public Works is authorized to cooperate with the California Garden Clubs, Inc., in erecting and maintaining appropriate memorial markings on Interstate Route 680 in Contra Costa County; 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 176

Senate Concurrent Resolution No. 66—Relative to the town of Allensworth.

[Filed with Secretary of State August 13, 1970]

WHEREAS, The California state park system has not had in its historical preservation and interpretation program a project which has brought attention to the contributions of its black citizens; and

WHEREAS, The townsite of Allensworth has statewide historical significance and offers the state park system the opportunity to begin correcting this deficiency; and

WHEREAS, Every Negro historical and cultural society in this state has unanimously endorsed the concept of preserving this pioneering experiment; and

WHEREAS, The California Negro Historical Society, currently being formed, has endorsed this project as the key area for involvement; and

WHEREAS, The chapters of the National Association for the Advancement of Colored People throughout the state, specifically the youth element, have endorsed and participated in programs involved in the perpetuation of this project; and

WHEREAS, Allensworth may be irretrivably lost as a historical resource of this state, if not acquired in the immediate future; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Department of Parks and

Recreation is requested to conduct a feasibility study of the proposed Allensworth project to determine if it should be included as a unit of the state park system; and be it further

Resolved, That the Department of Parks and Recreation report its findings and recommendations to the Legislature not later than the fifth calendar day of the 1971 Regular Session of the Legislature; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Director of Parks and Recreation.

RESOLUTION CHAPTER 177

Senate Concurrent Resolution No. 34—Relative to public school textbooks.

[Filed with Secretary of State August 14, 1970.]

WHEREAS, There is in the State of California a system by which free elementary textbooks are provided to the public schools; and

WHEREAS, The Legislature is called upon annually to appropriate funds to finance the selection, production, and distribution of free elementary textbooks to the public schools; and

WHEREAS, There has been a continuing problem from year to year with respect to late delivery of state textbooks to the public schools, with growing concern for such problem at both state and local levels of government; and

WHEREAS, The Legislative Analyst has prepared a report which cites the many problems found throughout the entire textbook selection, production, and distribution system and recommends corrective action; and

WHEREAS, It is in the best interest of the State of California that steps be taken to insure timely delivery of textbooks, on or before August 15 yearly, to the public schools; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the recommendations of the Legislative Analyst's report be adopted and implemented by the responsible departments affected; and be it further

Resolved, That the Department of Education and the Department of General Services shall submit to the Legislative Analyst, beginning April 1, 1970, quarterly reports relative to progress in adopting and implementing the proposed recommendations; and be it further

Resolved, That the Legislative Analyst shall receive said reports, shall monitor the progress in adopting and implementing the proposed recommendations, and shall prepare a summary status report on the performance of the affected responsible departments for submission to the Senate and the Assembly of the State of California by the fifth calendar day of the 1971 Regular Session; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the Department of Education, Department of General Services, and the Legislative Analyst.

RESOLUTION CHAPTER 178

Senate Concurrent Resolution No. 58—Relative to the Don O'Kane Memorial Bridge.

[Filed with Secretary of State August 14, 1970]

WHEREAS, Don Hunter O'Kane first came to California in 1922 as sports editor and reporter for the former Humboldt Standard, later became its city editor and then its managing editor, and its publisher in 1935; and in 1946, he became president of the Eureka Newspapers, Inc.; and

WHEREAS, Never personally seeking political office, he was extremely influential in the politics of this state through his service as a longtime confidant and adviser to Governors, Congressmen, and other political officeholders; and

WHEREAS, For 10 years he was Chairman of the Advisory Board of Humboldt State College and for two years was the representative of the college to the State Advisory Committee on Higher Education; and

WHEREAS, He was awarded an honorary master's degree by Humboldt State College, upon the recommendation of the State Board of Education, for his outstanding services and support in the educational fields; and

WHEREAS, His keen interest in the development of the state highway system, especially in District I, was obvious to all, for he would appear at the commencement of, and periodically during, the construction of any highway segment in the district, and he made it a practice to publish feature stories in his newspaper of every dedication of major bridges and freeways in the district; and

WHEREAS, It is only fitting that his long and dedicated service to this state, especially in the fields of higher education and highways, be given permanent recognition by the people of this state by naming a bridge on the state highway system in his memory; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the bridge on Route 299 crossing Redwood Creek is hereby officially designated the Don O'Kane Memorial Bridge; and be it further

Resolved, That the Department of Public Works be directed to erect appropriate signs and markers showing this official designation; and be it further

Resolved, That the Secretary of the Senate transmit a suitably prepared copy of this resolution to his daughter, Mrs. Verne (Betty) Simmons, and a copy of this resolution to the Director of Public Works.

RESOLUTION CHAPTER 179

Senate Concurrent Resolution No. 69—Relative to state highways.

[Filed with Secretary of State August 14, 1970.]

WHEREAS, The Bureau of Reclamation has been authorized by Congress to build the Auburn Dam Project; and

WHEREAS, Several roads will be inundated in the upper portions of the reservoir above the proposed Auburn Dam; and

WHEREAS, It appears that an extension of Route 174 may be an appropriate addition to the state highway system in this connection; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature hereby requests the Department of Public Works to study the feasibility of adding to the state highway system an extension of Route 174 from Colfax to Route 193 in the vicinity of Greenwood as part of its next report to the Legislature pursuant to Section 256 of the Streets and Highways Code and include its findings to the Legislature in the next report; 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 180

Senate Concurrent Resolution No. 76—Relative to the East Brother Island Lighthouse.

[Filed with Secretary of State August 14, 1970.]

WHEREAS, The Contra Costa Shoreline Parks Committee has proposed the East Brother Island Lighthouse, lying just westerly of Point San Pablo in San Francisco Bay, for inclusion in the National Register of Historic Places; and

WHEREAS, The East Brother Island Lighthouse from 1847 until the automation of its light and foghorn in 1969 was faithfully manned by the devoted men of the Lighthouse Service of the United States Coast Guard; and

WHEREAS, This lighthouse installation played a modest but vital role in the maritime history of San Francisco Bay and the development of the bay as a safe harbor, not because this facility is associated with any remarkable rescue episodes, but because its operation prevented the necessity for them; and

WHEREAS, The East Brother Island Lighthouse is one of the last examples of the "family" or "housekeeping" lighthouse stations; and

WHEREAS, The present complex of buildings constructed in white, gingerbread Victorian manner, dramatically set off by its island setting, possesses the distinctive charm of the architecture of that era; and

WHEREAS, There is no agency or department either of the federal or state government assigned the responsibility for this unique installation, thus leaving the buildings and island open to casual destruction by ignorance or default; and

WHEREAS, The inclusion of this installation in the National Register of Historic Places will afford protection for the lighthouse and island regardless of the eventual decision as to the most appropriate use for the facility and will qualify the site for assistance, if necessary, through federal grants-in-aid; and

WHEREAS, The procedure established for evaluating historic sites and buildings by the Committee on Standards and Surveys of the National Trust for Historic Preservation points out that "generally speaking, it is better to preserve than repair, better to repair than restore, and better to restore than reconstruct"; and

WHEREAS, The buildings in the complex were solidly constructed in 1874 and have been carefully maintained by the United States Coast Guard, thus they are in excellent condition and need only to be preserved; and

WHEREAS, The residents of Contra Costa County and other San Francisco Bay area residents have sought the privilege of living on the island and preserving it either in a caretaker capacity or as a part of an ecological, educational, or park project, under a few of the various innovative and intriguing possibilities that have been proposed, thus reflecting solid community commitment to the preservation and protection of the island installation; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Department of Parks and Recreation is requested to evaluate the East Brother Island Lighthouse in terms of the guidelines and criteria for selection to the National Register of Historic Places and to take such other steps as are required to nominate this island installation for inclusion in such register; and be it further

Resolved, That the Department of Parks and Recreation report its evaluations and recommendations to the Legislature not later than the fifth calendar day of the 1971 Regular Session of the Legislature; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the State Director of Parks and Recreation, the Secretary of the United States Department of the Interior, the Secretary of the United States Department of the Treasury, the Commandant of the United States Coast Guard, the Commandant of the Twelfth Coast Guard District, and each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 181

Assembly Concurrent Resolution No. 6—Relative to Robinson's Ferry Vista Point.

[Filed with Secretary of State August 14, 1970.]

WHEREAS, With the enlargement of the Melones Reservoir, State Highway Route 49 will be realigned and a new bridge will be built across the Stanislaus River at the boundary between Calaveras and Tuolumne Counties; and

WHEREAS, A vista point will be established on Route 49 on the Calaveras County side of the river; and

WHEREAS, In 1848, John W. Robinson established a ferryboat service across the river which was the only means for crossing at this point until the first bridge was built in 1911; and

WHEREAS, The community that grew up where the ferry landed in Calaveras County was known as Robinson's Ferry; and

WHEREAS, The Robinson's Ferry Monument, California Historical Landmark No. 276, will be moved to the vista point from its present location near the site of the bridge that was used from 1911 to 1952 when that location is inundated by the enlargement of the reservoir; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the vista point to be established on State Highway Route 49 on the Calaveras County side of the Stanislaus River is hereby officially designated the Robinson's Ferry Vista Point; and be it further

Resolved, That the Department of Public Works is hereby requested to erect and maintain appropriate signs at the vista point 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 182

Assembly Concurrent Resolution No. 131—Relative to air pollution.

[Filed with Secretary of State August 14, 1970.]

WHEREAS, Air pollution is a severe and continuing problem throughout the State of California; and

WHEREAS, The State Air Resources Board is responsible for administration, research, establishment of standards, and the coordination of activities to maintain air quality within the state; and

WHEREAS, The Legislative Analyst in his analysis of the Budget Bill for the fiscal year July 1, 1970, to June 30, 1971, has identified various issues and program problem areas with respect to the State Air Resources Board and has made certain recommendations; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislative Analyst, with the cooperation of the State Air Resources Board and the various local and regional air pollution control authorities, is

directed (1) to conduct a study of the present structure and function of the State Air Resources Board, (2) to enumerate and identify the current program problems, (3) to make an analysis of the division of responsibility between the state and local or regional authorities with respect to air pollution control, (4) to make recommendations regarding possible alternative organizational structures for the State Air Resources Board, and (5) to recommend means or methods of more effective coordination between the state government and the local or regional authorities with respect to air pollution control; and be it further

Resolved, That the Legislative Analyst make a written report to the Legislature on or before the fifth calendar day of the 1971 Regular Session as to his findings and recommendations.

RESOLUTION CHAPTER 183

Assembly Concurrent Resolution No. 197—Approving the adoption of the Charter of the City of Vallejo, County of Solano, State of California, ratified by the qualified electors of the city at a general election held therein on the second day of June, 1970.

[Filed with Secretary of State August 14, 1970.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of a charter for the City of Vallejo, a municipal corporation in the County of Solano, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

CERTIFICATE OF MAYOR AND CITY CLERK OF THE CITY OF VALLEJO COUNTY OF SOLANO, STATE OF CALIFORNIA

State of California }
County of Solano } ss.

We, the undersigned, Florence E. Douglas, Mayor of the City of Vallejo, and Helen G. Seeber, City Clerk of the City of Vallejo, do hereby certify and declare as follows:

That the City of Vallejo, a municipal corporation of the County of Solano, State of California, now is and was at all times herein referred to a city containing a population of more than three thousand five hundred (3,500) inhabitants, as ascertained by the last preceding census taken under the authority of the Congress of the United States or the Legislature of the State of California; and

That at a general municipal election duly held in said city on the 1st day of April, 1969, under and in accordance with law and the provisions of Section 8 of Article XI of the Constitution of the State of California, a board of fifteen (15) freeholders, duly qualified, was elected in and by said

city by the qualified electors thereof to prepare and propose a new charter for the government of said city; and

That said board of freeholders did prepare and propose a charter, and an alternative and separate proposition relating thereto, for the government of said City of Vallejo; and

That said charter, and alternative proposition No. 2 and separate proposition No. 3, were signed by a majority of the board of freeholders on the 4th day of March, 1970, and filed with the City Clerk of said City of Vallejo on the 5th day of March, 1970; and

That said proposed charter, including said alternative and separate propositions relating thereto, was thereafter published in the Vallejo Morning Times-Herald, the official newspaper of said City of Vallejo, said newspaper being of general circulation in said City of Vallejo, and the said charter, including said alternative and separate propositions relating thereto, being published as aforesaid for a period of one (1) day, on the 18th day of March, 1970, the date of publication thereof being made within fifteen (15) days after the filing thereof; and

That said board of freeholders, prior to the filing of said proposed charter and alternative and separate propositions, designated the 2nd day of June, 1970, as the date for submission of said proposed charter and alternative and separate propositions to the electors of said city; and

That the City Council of the City of Vallejo, being the legislative body of said city, pursuant to Section 8 of Article XI of the Constitution of the State of California, duly passed and adopted on the 16th day of March, 1970, its Resolution No. 70-202 N. C., calling a special municipal charter election in the City of Vallejo on the 2nd day of June, 1970, for the purpose of submitting said proposed charter, including alternative and separate propositions relating thereto, to the electors of said city, and consolidating said special municipal charter election with the State of California Direct Primary Election to be held on June 2, 1970;

That by resolution duly adopted on the 31st day of March, 1970, the Board of Supervisors of the County of Solano ordered consolidation of said special municipal charter election with said Direct Primary Election;

That copies of said proposed charter, including alternative and separate propositions relating thereto, were printed in convenient pamphlet form and in the manner prescribed in Section 8 of Article XI of the Constitution of the State of California, and copies thereof were mailed to each of the qualified electors of said city;

That said legislative body of the City of Vallejo did until the day fixed for the election upon such proposed charter and alternative and separate propositions advertise in said Vallejo Morning Times-Herald a notice that copies thereof might be had upon application therefor;

That said special municipal charter election was duly called, held and conducted in the time, form and manner required by law on said 2nd day of June, 1970, being the date of the general election next following the expiration of sixty days after completion of the publication of said proposed charter, including the alternative and separate propositions relating thereto;

That a majority of the qualified voters voting on said proposed charter, identified on the printed election ballots as Measure E, voted in favor of the ratification of and did ratify said proposed charter;

That a majority of the qualified voters voting on said alternative proposition No. 2, identified on the printed election ballots as Measure F, voted against the ratification of said alternative proposition No. 2, and said alternative proposition No. 2 failed to pass.

That a majority of the qualified voters voting on said separate proposition No. 3, identified on the printed election ballots as Measure G, voted in favor of the ratification of and did ratify said separate proposition No. 3, adding Section 810 to Article VIII of said proposed new Charter;

That the County Clerk of the County of Solano conducted, and on June 23, 1970, officially completed the canvass of all ballots cast at said Consolidated Direct Primary Election and said special municipal charter election consolidated therewith as aforesaid; and that the Board of Supervisors of said County of Solano met on June 23, 1970, at its usual place of meeting and officially approved said canvass of said elections as conducted, completed and presented to said Board of Supervisors by said County Clerk, and said County Clerk on the 1st day of July, 1970, certified the results of said special charter election to the City Council of the City of Vallejo.

That said City Council of the City of Vallejo, in accordance with law and pursuant to said Resolution No. 70-202 N. C., calling said special municipal charter election, did meet on Monday, the 6th day of July, 1970, at its usual place of meeting, and did duly and regularly cause to be spread on its minutes a statement of the results of said special municipal charter election as ascertained by said canvass;

That said charter, including said separate proposition No. 3, adding Section 810 to Article VIII thereof, and being a part thereof, so ratified by the majority of the qualified voters of said city voting at said special municipal charter election, is in the words and figures following, to-wit:

THE CHARTER OF THE CITY OF VALLEJO

We, the people, of the City of Vallejo, State of California, do ordain and establish this Charter as the fundamental law of said City under the Constitution of said State.

Article I
Incorporation: Succession: Form of Government

Section 100. Name. The municipal corporation now existing and known as the City of Vallejo shall remain and continue to exist a body politic and corporate, in fact and in law, by the name of City of Vallejo, and by such name shall have perpetual succession.

Section 101. Boundaries. The boundaries of the City of Vallejo existing at the time this Charter takes effect shall continue as the boundaries of said City until changed in the manner authorized by law.

Section 102. Rights and Liabilities. The City shall continue to own, hold, possess, use, control and in every way succeed to and become the owner of rights and of property of every kind and nature now owned, controlled, possessed or claimed by it and shall be subject to all of its debts, obligations, liabilities and contracts.

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 provided by 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 necessary records, property and equipment necessary to such functions.

Section 106. Form of Government. The government provided by this Charter shall be known as the "Council-Manager" form of government.

Article II
Powers of the City

Section 200. 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 and 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 the general laws of the State.

The enumeration in this Charter of any particular power shall not be held to be exclusive of or any limitation upon this general grant of power.

Section 201. Procedures. The City shall have the power to act pursuant to procedure established by any law of the State unless a different procedure is required by this Charter.

Section 202. 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
Mayor and Council

Section 300. Elective Offices. The elective officers of the City shall be the Mayor and six Councilmen.

Section 301. Qualifications. No person shall be eligible to or continue to hold any elective office of the City, either by election or appointment, unless he is an elector thereof, and shall have been a resident thereof or of territory lawfully annexed thereto for at least three years next preceding his election or appointment.

Section 302. Term of Office. Each elective officer shall hold office for a term of four years from and after 8:00 p.m. of the first Tuesday in May next succeeding the general municipal election at which he was elected, and until his successor is elected and qualified. The Mayor and Councilmen serving at the adoption of this Section shall continue to serve for the terms to which they were elected. At the general municipal election held in April 1971 only two of the three vacancies occurring in the office of Councilman shall be filled by election, in order to reduce the number of Councilmen to six. In order to establish the terms of the members of the Council, the three Councilmen receiving the highest number of votes and elected at the general municipal election held in April 1973 shall serve regular four-year terms, and the Councilman receiving the lowest number of votes and elected at such election shall serve an initial term of two years; thereafter, all Councilmen shall serve terms of four years.

Section 303. Vacancies, Filling of. Any vacancy occurring in an elective office shall be filled by appointment by a majority of the remaining members of the City Council. Any such appointee shall hold office until 8:00 p.m. on the first Tuesday in May next succeeding the date of the next general municipal election and until his successor qualifies. At the next general municipal election following any vacancy, a successor shall be elected to serve the remainder of the unexpired term.

Section 304. Vacancy, What Constitutes. An elective office shall be declared vacant by the Council when the person elected or appointed thereto fails to qualify within 15 days after his certificate of election or appointment has been delivered to him, dies, resigns, ceases to be a resident of the City, absents himself continuously from the City for a period of more than 30 days without permission from the Council, absents himself from six consecutive regular meetings of the Council without permission from the Council, is convicted of a

felony, is judicially determined to be incompetent, forfeits his office under any provision of this Charter, or is removed from office by judicial procedure.

Section 305. Compensation. The Mayor and each Councilman shall receive the compensation heretofore fixed by Charter until changed by Charter amendment or ordinance. Such compensation fixed by ordinance shall not exceed the amount which the City Council of a general law city, of comparable population, can prescribe under the provisions of State law. In addition, the Mayor and each Councilman shall receive reimbursement for itemized routine and ordinary expenses incurred in official duty or such reasonable and adequate amount as may be established by ordinance, which amount shall be deemed to be reimbursement to them of routine and ordinary expenses imposed upon them by virtue of their office.

Section 306. Mayor's Allowance. In addition, the Mayor shall receive for his use in the discharge of the duties and obligations of his office, an allowance to be fixed by ordinance of not less than $2,400 per year, payable in equal monthly installments, for which he need not furnish vouchers.

Section 307. Council. The Council shall be composed of the Mayor and six Councilmen. The Council shall be the governing body of the City. All powers of the City shall be vested in the Council except as otherwise provided by law or in this Charter.

Section 308. Meetings of the Council. At 8:00 p.m. on the first Tuesday of May following each regular municipal election, the Council shall meet at the established Council meeting place, at which time and place the newly elected Councilmen shall assume the duties of their office. Thereafter the Council shall meet at least once each week at a time and place to be fixed by ordinance. Special meetings may be held at the regular place of meeting either on call of the Mayor, or on the request of three Councilmen, upon 24 hours' written notice to each member of the Council. Such notice shall be personally served or left at a place which shall be designated by each member of the Council; provided, however, that such notice may be waived by the written consent of all the members of the Council. 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 untenable, or upon the posting of a public notice at the regular meeting place that the Council is meeting elsewhere, to be designated on the notice, for some purpose of public convenience. All regular or special sessions of the Council shall be open to the public, except for executive sessions permitted by law

Section 309. 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.

Section 310. Council Action. The Council shall provide by ordinance for the order of business and rules of procedure for the conduct of Council meetings. The Council shall act by

ordinance, resolution, or motion. The "Ayes" and "Noes" shall be taken on the passage of all ordinances and resolutions, and entered upon the journal of proceedings of the Council. Each proposed ordinance or resolution shall be introduced in written or printed form. Except as otherwise provided by this Charter or by general law, the vote of the majority of the members of the Council shall be necessary to adopt any ordinance, resolution, or motion.

Section 311. Enactment of Ordinances. In addition to such acts of the Council as are 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 Vallejo does ordain as follows:"

Section 312. Adoption of Ordinances and Resolutions. 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 meeting. At the time of adoption of an ordinance or resolution, it shall be read in full unless copies have been available to the public before or during the meeting at which the ordinance or resolution is under consideration, or unless after the reading of its title the further reading thereof is waived by unanimous consent. 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 meeting held not less than five days after the date of such alteration. 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 the same meeting if passed by at least five affirmative votes. Emergency appropriations to meet a pressing need for public expenditure, for other than a regular or recurring requirement, to protect the public health, safety or welfare may be made as an emergency ordinance.

Section 313. Amendment of Ordinances. Any section or subsection of an ordinance may be amended solely by the reenactment of such section or subsection at length, as amended.

Section 314. Publication. All ordinances and amendments to ordinances shall be published in the manner required by this Charter.

Section 315. Codification. The duly adopted and effective ordinances of the City may be compiled and arranged as a comprehensive ordinance code, which may be adopted by reference by the passage of an ordinance for such purpose. Such code need not be published as required for other ordinances, but not less than three copies thereof shall be available for examination by the public prior to the adoption thereof. Subsequent amendments to the code shall be by ordinance. Detailed regulations pertaining to any subject such as the construction of buildings, plumbing, wiring or other subjects

which require extensive regulations, maps, or exhibits, after having been arranged as a comprehensive code, may likewise be adopted by reference in the manner hereinabove provided.

Section 316. Effective Date of Ordinances. No ordinance adopted by the Council shall become effective until 30 days from and after the date of its adoption, except the following, which shall take effect upon adoption or upon a date specified therein:

(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 making an appropriation for the usual current expenses and outlays of the City;

(d) An emergency ordinance adopted in the manner provided in this Charter; and

(d) An ordinance annexing areas to the City.

Section 317. 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.

Section 318. Powers and Duties of the Mayor. The Mayor shall preside at meetings of the Council, shall have a vote in all matters before the Council, and shall be recognized as the head of the City government for all ceremonial purposes.

Section 319. The Vice-Mayor. At its first meeting in May of each year, the Council shall elect from among its members a Vice-Mayor who shall serve for a term of one year and until his successor is elected by the Council. In addition to his regular duties as a Councilman, the Vice-Mayor shall perform the duties of the Mayor during the Mayor's absence or disability, and may perform at any time any duty of the office of the Mayor delegated to him by the Mayor.

Article IV
Officers Appointed by the Council

Section 400. City Manager. There is hereby created the office of City Manager, who shall be the chief executive and administrative officer of the City. He shall be appointed by resolution approved by at least a majority of all the members of the Council solely on the basis of his proven executive and administrative qualifications. He must be a citizen of the United States, need not when appointed be a resident of the City or State, but shall become a resident of the City within 90 days after his appointment, and remain a resident during his tenure. No member of the Council shall be eligible for appointment as City Manager or acting City Manager during the term for which he was elected or for one year thereafter.

The City Manager shall have the duties and powers prescribed by this Charter or by ordinance.

Section 401. City Attorney. There shall be a City Attorney, appointed by the Council, who shall serve as legal advisor to the Council, the City Manager, and all City departments, offices and agencies, shall represent the City in legal proceedings, and shall perform other duties as directed by the Council. He shall have been at the time of his appointment admitted to practice and engaged in the practice of law in the State of California. The Council may appoint, or empower the City Attorney, at his request to employ, without regard to civil service provisions, special legal counsel, appraisers, engineers, and other technical and expert services necessary for the handling of any pending or proposed litigation, proceeding, or other legal matter.

Section 402. Boards and Commissions. The Council may create by ordinance such boards and commissions as may be required for the proper operation of any function or agency of the City, and prescribe their duties and powers, terms, compensation and reimbursement for expenses, if any, subject to the provisions of this Article. Such boards may be advisory, policy, appellate and/or rule making. Members of boards and commissions shall be appointed by the Council. Vacancies shall be filled for the unexpired terms in the same manner as original appointments are made.

Section 403. Advisory Boards. The Council may create an advisory board for any department or function in which it finds greater citizen participation to be of particular mutual interest to the City government and to the people. Such advisory boards may by ordinance be empowered to advise the Council, the City Manager and the department head on matters of policy and public interest related to the department or function concerned, to investigate and make advisory reports on such matters to appropriate authorities, and to render such other specific services as are consistent with the role of an advisory board.

Section 404. Policy Boards or Commissions. The Council may create policy boards or commissions to assist in the operation of any function or service of the City which is supported in whole or in part by the revenue derived from its operations or which requires the long range investment and management of funds. Such policy board or commission may be authorized to prescribe regulations governing the operation of the function or service; to prescribe rates and conditions for rendering service; to adopt an operating budget; to develop and approve long range capital plans for the acquisition, improvement and extension of properties; and to arrange for the financing thereof in accordance with applicable law.

Section 405. Rule Making and/or Appellate Boards. The Council may create boards and commissions empowered to adopt rules to govern the operations of any City department or function, or to hear appeals from actions taken under such

rules or the laws governing the operation of such department or function. Rules and amendments thereto made by such a board or commission shall be effective only on approval by the City Council. The Council may not on its own motion amend such rules, but shall return those it disapproves with a statement of the reasons therefor for further consideration by the board or commission. Decisions by any such board or commission on matters in its jurisdiction, in which it has appellate authority, shall have the force and effect prescribed by this Charter, by ordinance, or by applicable general law.

Section 406. Composition and Terms. Each board or commission shall be composed of not less than five members. The members of boards and commissions holding office at the time this Section takes effect shall continue to hold office for the terms to which they were appointed or until the board or commission is abolished or modified under the authority of this Article. An ordinance creating a policy or rule making or appellate board or commission shall provide for a system of overlapping terms to assure continuity of plans and policy.

Section 407. Removal of Appointive Personnel.

a. The affirmative vote of at least five members of the Council shall be required to remove any member of a board or commission serving a fixed term.

b. The affirmative vote of at least a majority of all the members of the Council shall be required to remove the City Manager or the City Attorney except as provided in subsection (c) of this Section.

c. The affirmative vote of at least five members of the Council shall be required to remove the City Manager or the City Attorney within 60 days after their initial appointment or within 60 days after any election at which members are elected to the City Council.

d. Before the City Manager may be finally removed, he may file with the Council a written request for a public hearing. This hearing shall be held at a Council meeting not earlier than 15 days nor later than 30 days after the request is filed. The City Manager may file a written reply with the Council not later than five days before the hearing.

Section 408. Acting City Manager. By letter filed with the City Clerk, the City Manager shall designate, subject to approval of the Council, a qualified city administrative officer to exercise the powers and perform the duties of the City Manager during his temporary absence or disability. 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 City Manager shall return or his disability shall cease; provided, however, that the Council shall designate an acting City Manager pending a new appointment whenever the position is vacant for any cause.

Section 409. Conferring Additional Duties. The imposing of duties on a particular office by this Charter shall not limit the right of the Council to confer on any officer, board or

commission such additional powers as it may find necessary and consistent with the purpose of such officer, board or commission.

Article V
City Manager

Section 500. Powers and Duties of City Manager. The City Manager shall be the chief administrative officer of the City. He shall be responsible to the Council for the administration of all City affairs placed in his charge by or under this Charter or by ordinance not contrary to this Charter. He shall have the following powers and duties:

a. He shall appoint, and when he deems it necessary for the good of the service, suspend or remove all City employees and appointive administrative officers provided for by or under this Charter, except as otherwise provided by law or this Charter. He may authorize any administrative officer who is subject to his direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency.

b. He shall direct and supervise the administration of all departments, offices and agencies of the City, except as otherwise provided by this Charter or by law.

c. He shall attend all Council meetings and shall have the right to take part in discussion but may not vote.

d. He shall 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.

e. He shall prepare and submit the annual budget and capital program to the Council.

f. He shall submit to the Council and make available to the public a complete report on finances and administrative activities of the City as of the end of each fiscal year.

g. He shall make such other reports as the Council may require concerning the operations of City departments, offices and agencies subject to his direction and supervision.

h. He shall keep the Council fully advised as to the financial condition and future needs of the City and make such recommendations to the Council concerning the affairs of the City as he deems advisable.

i. He shall investigate the operations of the departments and other agencies of the City and all contracts to which the City is a party, and assure proper performance.

j. He shall investigate complaints concerning utility operations and see that all permits, privileges and franchises granted by the City are faithfully performed.

k. When directed by the City Council, he shall represent the City in its inter-governmental relations, and negotiate contracts for joint governmental actions, subject to Council approval.

l. He shall perform such other duties as are specified in this Charter or may be required by the Council.

Section 501. Department Heads Responsible to City Manager. The heads of the administrative departments under the City Manager shall be directly responsible to him for the efficient administration of their respective departments. The City Manager may designate acting department heads when necessary to assure the continuity of the City's business. He shall have the power, with the approval of the Council, and without reference to personnel provisions of this Charter, to employ experts or consultants to perform work or give advice connected with the departments of the City when he finds such work or advice necessary.

Section 502. Emergency Powers. In the case of general conflagration, rioting, flood, or other emergency menacing life or property, the City Manager shall marshal all the forces of the different departments of the City for the maintenance of the general security, and shall have the power to deputize or otherwise employ without reference to Civil Service such other persons as he may consider necessary for the purpose of protecting the City and its residents; provided, that in an emergency in which military control is established under State or National law, the City Manager shall exercise his emergency powers subject to lawful military authority.

Section 503. Noninterference. Except for the purpose of inquiry into the affairs of the City and the conduct of any City department, office or agency, the Council or its members shall deal with City officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager and neither the Council nor its members shall give orders to any officer or employee either publicly or privately nor shall they attempt to coerce or influence the City Manager in respect to any contract or purchase of supplies or any other administrative action or in any manner direct or request the appointment of any person to, or his removal from, office by the City Manager or his subordinates. Violation of the provisions of this Section by a member of the Council shall be a misdemeanor, conviction of which shall immediately result in forfeiture of the office of the convicted member.

Article VI
Administrative Organization

Section 600. Administrative Organization Authorized. The Council shall by ordinance provide the form of organization through which the functions of the City are to be administered. Any combination of duly 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, offices, and agencies of the City except the office of City Attorney shall be under the direction and supervision of the City Manager and shall be ad-

ministered by an officer or employee appointed by him subject to his direction. With the consent of the Council, the City Manager may serve as the head of one or more departments, offices or agencies or may appoint one person as the head of two or more of them.

Section 601. Functions and Services Authorized. The Council by ordinance, in carrying out the provisions of Section 600, may establish such new departments, offices, or agencies or combine or eliminate existing units as are in its judgment desirable.

Section 602. Continuation of Departments and Offices. The departments and offices heretofore created by the Charter, by ordinance or by administrative order, are continued until modified by ordinances adopted pursuant to this Article.

Section 603. Boards and Commissions Continued. The Council shall provide by ordinance for the continuation of the following boards and commissions:

a. The Civil Service Commission, to be a rule making and appellate commission as defined in Section 405 of this Charter.

b. The Library Board, to be an advisory board as defined in Section 403 of this Charter.

c. The Planning Commission, to be a rule making and appellate commission as defined in Section 405 of this Charter.

Article VII
Fiscal Administration

Section 700. Fiscal Year. The fiscal year of the City shall commence on the first day of July each year.

Section 701. Budget Preparation. At least 45 days prior to the beginning of each fiscal year, the City Manager shall submit to the Council a budget of proposed expenditures and estimated revenues, accompanied by an explanatory budget message in such form as he deems desirable or as the Council may require. For such purpose, the City Manager, on such schedule and under such terms as he may prescribe, shall obtain from the head of each department or other agency of the City estimates of revenue and expenditure in such detail and with such supporting plans and data as he may require. The City Manager may revise such estimates in any manner he deems advisable. The explanatory budget message of the City Manager to the Council shall explain the budget, both in fiscal terms and in terms of work programs, shall outline the proposed financial policies of the City for the ensuing fiscal year, shall propose priorities for capital expenditures, and shall describe other important features of the budget plan. It shall state the reasons for salient changes from the previous year in cost and revenue items, shall explain any major changes in financial policy, and shall enable the Council to compare the prior and current years' revenues and expenditures to which such proposed revenues and expenditures relate. Estimates of revenue shall include surpluses to be

carried over from the current year, plus miscellaneous revenues from all sources other than the tax on property, the balance to be raised by the general property tax, and an estimate of the tax rate required for the purpose.

Section 702. Council Hearing and Approval. After submission of the budget by the City Manager, the Council shall publish in one or more newspapers of general circulation in the City the following: a general summary of the budget, information as to times and places where copies of the budget are available for inspection by the public, and the time and place for a public hearing on the budget which shall be no less than two weeks after such publication.

After the public hearing, the Council may revise the budget in any manner it finds necessary and shall adopt a budget for the ensuing fiscal year no later than the last day of the current fiscal year.

If it fails to adopt the budget by this 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. Adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated and shall constitute a levy of the property tax therein proposed.

Section 703. Budget Revisions. At any time during the fiscal year the City 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 City Manager, the Council, after having given one week's notice of intention to do so, may by resolution transfer part or all of any unencumbered appropriation balance from one department, office or agency, to another or may appropriate available funds not included in the budget.

Section 704. Tax Rate. Not later than the date set by State law for the purpose, the Council shall by ordinance fix the rate of property tax to be levied and levy the tax upon all taxable property in the City. Except when authorized by a majority vote of the voters voting on such proposition at any election at which the question of such additional levy is submitted to the voters, the annual tax levy shall not exceed the rate of one dollar on each one hundred dollars of assessed valuation of taxable property within the City, except for: sums necessary to provide for payment of principal and interest on the City's bonded indebtedness, to provide for the establishment, maintenance and support of the City's public library system, and to provide for the maintenance of the City retirement system.

Section 705. Assessment. The Council shall provide by ordinance for the assessment of property for the purpose of taxation, either under the direction of the City Manager or

by agreement with the County of Solano in the manner provided by law.

Section 706. Tax Collection. The Council shall provide by ordinance for the collection of all taxes and other revenues due the City, either under the direction of the City Manager or by agreement with the County of Solano, the State of California, or any other agency regularly engaged in the collection of a given tax or other revenue.

Section 707. General Revenues. The Council may, by ordinance, provide for any tax, license or permit fee, service charge or other kind of revenue permitted by this Charter or by the Constitution or general laws of the State.

Section 708. Cash Basis Fund. For the purpose of maintaining the business of the City on a cash basis, there is continued the permanent revolving fund known as the "Cash Basis Fund." The Council may apportion to and place in the cash basis fund such portion of the revenues derived from the annual tax levy and of money received from other sources as it may determine to be necessary until the accumulated amount in such fund shall be sufficient to meet all legal demands against the treasury of the City for the first five months or other necessary period of the succeeding fiscal year. Unencumbered surplus funds remaining in the treasury of the City at the end of any fiscal year may be transferred to such fund. The Council may transfer from the Cash Basis Fund to any other fund such sums as may be required for the purpose of placing such other fund as nearly as possible on a cash basis, provided that all money so transferred from the Cash Basis Fund shall be returned thereto before the end of the fiscal year.

Section 709. Capital Outlay Funds. The Council shall create such "Capital Outlay Funds" as may be required to finance the improvements specified in the creation of such funds, and each such fund shall remain inviolate to the purposes for which it was created, whether general or specific, unless the use of any such fund for some other purposes is authorized by the affirmative votes of a majority of the voters voting on such a proposition at a general or special election at which such proposition is submitted; provided, that when the purpose for any Capital Outlay Fund has been accomplished, the Council may transfer any unexpended or unencumbered surplus remaining in such fund to any other general or specific Capital Outlay Fund. The money for Capital Outlay Funds may be provided by the apportionment of a specific part of the general tax levy herein provided, by the allotment of all or a portion of other lawfully available revenues, or by the transfer of unencumbered surplus funds not specifically reserved for other purposes.

Section 710. Unappropriated Reserve Fund. The Council shall establish a fund known as the "Unappropriated Reserve Fund" for the purpose of meeting unforeseen contingencies and emergencies of the City, for such amount as may be es-

tablished by the Council. Said fund shall remain intact except for the affirmative vote of at least five members of the Council, with a statement declaring the reason for its use.

Section 711. Revolving Funds. The Council may by ordinance create revolving funds by the initial appropriation of available money and may require that they shall thereafter be maintained in whole or in part by service charges or other levies appropriate to the purpose of each fund.

Section 712. Discretionary Funds. The Council may from time to time appropriate discretionary funds, not to exceed $1,000 at one time, to be expended at the direction of the City Manager for investigative or other specified purposes, without reference to the auditing provisions of the Charter or any ordinance enacted under it; provided, that the City Manager shall semi-annually and at other times required by Council certify by affidavit that any of such funds expended have been for the purposes specified.

Section 713. Other Funds. The Council shall create by ordinance such other special funds as are required for proper accounting and fiscal management, or required as a condition of receiving funds from any other government.

Section 714. Control and Use of Public Utilities Funds. All funds derived from the operation of any public utility or enterprise by the City shall be deposited in the City treasury, to be managed and expended in accordance with the following policies:

a. From the proceeds of the operation of the utility or enterprise there shall first be set aside annually the funds required to redeem and pay interest on any bond issued for that utility or enterprise which will become due and payable during the next fiscal year.

b. There shall next be provided an adequate reserve to finance replacements required by the normal depreciation of the utility's or enterprise's plant and equipment.

c. There shall next be provision for additions and improvements foreseen as necessary to meet future requirements of the public, which is not to exceed in any one year 10 per cent of the established value of the utility or enterprise.

d. There shall next be provision made for current operations, including current maintenance of the physical plant; purchase of materials, supplies and equipment; administration and management; clerical services; collections; advertising and the cost of services rendered by other City departments.

e. There shall next be paid to the general fund an amount equivalent to franchise fees and City taxes as if the utility or enterprise were privately owned, and for the fair value of any commodity or resource received from the City to make possible the operation of the utility.

f. All remaining operating profits, the amount of which has been determined by the City Manager with the approval of the City Council, shall be transferred to the general fund.

Section 715. Accounting System. The City Manager shall direct the establishment and supervise the maintenance of a uniform system of accounting, applicable to all departments and other agencies of the City, conforming to modern and accepted practices of public accounting, which shall be adequate to account for all money 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 will be readily susceptible to audit and review.

Section 716. Authorization and Control of Expenditure. No expenditure of City funds shall be made except for the purposes and in the manner specified in an appropriation by the Council. The City Manager shall establish and direct such systems of internal control and audit as he may find necessary to insure the fulfillment of the purpose of this Section. The elective City Auditor holding office at the time this Section takes effect shall continue to hold such office for the term for which he was elected and during that time shall maintain the internal audit and control herein provided.

Section 717. Purchasing. The City Manager shall purchase or contract for the equipment, materials, supplies and services required by the City, for which expenditures have been authorized in the budget or by other action of the Council. The Council shall establish by ordinance the conditions under which competitive bidding shall be required, shall specify those amounts and conditions under which Council approval is required for specific items of purchase, and shall prescribe conditions under which all bids may be rejected and new bids invited. In the case of materials, supplies and equipment a preference of not to exceed five per cent may be allowed to firms or individuals who regularly maintain a place of business and transact business, or maintain an inventory of merchandise for sale, in the City.

Section 718. Contracts to Next Lowest Bidder. If any contractor fails to enter into any contract awarded to him after public advertisement and competitive bidding, the Council may direct the re-advertising of the original proposal or any modification thereof, or may award the contract to the next lowest responsible bidder without re-advertising, provided that such award is not made more than 90 days after the opening of bids.

Section 719. Conflicts of Interest. No officer or employee of the City shall have any financial interest in any contract, sale or transaction to which the City is a party, if having such interest constitutes a violation of the State law. The penalty for violation of this Section shall be as provided by State law.

Section 720. Inventory and Accountability. The City Manager shall establish and maintain an inventory of the City's real and personal property, and shall establish a system for maintaining accountability for such property, and for the orderly disposal of any property for which the City no longer

has use. The Council shall establish by ordinance the type or value of items to be regarded as expendable, to be exempt from specific accountability, and may authorize the conditions under which obsolete, damaged or items no longer needed by the City may be disposed of by sale or otherwise.

Section 721. Independent Audit. The Council shall employ at the beginning of each fiscal year an independent public accountant who shall at such time or times as may be specified by the 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 of such other officers, employees or departments as the Council may direct. The Council may direct that such accountant may conduct the independent audit throughout the fiscal year and make reports at intervals required by the Council, but a report for the entire fiscal year shall be filed within 45 days after the closing of the books for said fiscal year, and copies of such reports shall be filed with the Council and with the City Manager, and shall be available for public inspection and review.

Section 722. Fees. All charges, fees, commissions and percentages collected or received by any officer or employee of the City in the performance of any official duty as such officer or employee, or in the performance of the duties of any office held ex officio, shall be the property of the City.

Section 723. Deposits. The City Manager shall arrange for the daily deposit in the City treasury or in designated banks of all funds collected by any department or other agency of the City. Separate records shall be maintained for each separate fund established by this Charter or by ordinance.

Section 724. Disbursements. No payments shall be made of any City money out of any fund by the officer responsible for disbursement except upon the certification of the officer responsible for internal audit and control that the expenditure has been duly authorized, and that it is in accordance with law.

Section 725. Investments. 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 each fund from which investments are made.

Section 726. Bonds. The Council shall determine by ordinance which officers and employees shall be subject to group or individual bonds to assure 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 727. General Bonded Indebtedness. Whenever the Council determines that the public interest requires the construction, acquisition, completion, initial equipping, remodeling or repair of any improvement, the cost of which, in

addition to the other expenditures of the City, will exceed the income and revenue provided for it in any one year, they may by ordinance submit a proposition to incur an indebtedness evidenced by general obligation bonds for such purpose, and proceed therein as provided in the Constitution and general laws of the State.

Section 728. Utility Bonded Indebtedness. Whenever the electorate, by majority vote of those voting on a proposition submitted at any regular or special municipal election, authorize the acquisition of a public utility by the City, the Council is empowered to finance, by borrowing, the acquisition of privately owned utility properties and/or the purchase of land pertinent thereto, vehicles, machinery, materials and the cost of all construction and property installations for utility purposes. Bonds issued for such purposes shall not be general obligation bonds of the City, but shall be secured by the assets of such utilities only. The Council is also hereby empowered to finance the improvement or extension of any public utility now owned by the City by means of such bonds secured by the assets of the utility. Resolutions authorizing the issuance of such bonds for acquisition or extension of utilities shall require the affirmative vote of five members of the City Council.

Section 729. Revenue Bonds. Bonds which are payable only out of such revenues as may be specified in such bonds may be issued when the City Council by ordinance shall have established a procedure for the issuance of such bonds. Such bonds, payable only out of revenues, shall not constitute an indebtedness or general obligation of the City. No such bonds payable out of revenues shall be issued without the assent of a majority of the voters voting upon the proposition for issuing the same at an election at which such proposition shall have been duly submitted to the qualified electors of the City.

Article VIII
Personnel Administration and Civil Service

Section 800. Appointments and Promotions. All appointments and promotions in the competitive civil service shall be based on ability and experience as determined by tests and records of achievement, subject to such more specific standards as set forth in personnel rules as adopted under provisions of Section 803 of this Charter.

Section 801. The Competitive Civil Service. The competitive civil service of the City shall include all offices and employments in the City government except the following which shall be in the unclassified service:

a. Offices required by this Charter to be filled by election or appointment by the City Council.

b. The heads of the separate departments and the executive officers of boards and commissions established by this Charter or by ordinance pursuant thereto.

c. One assistant and one secretary to the City Manager and one secretary to the Mayor.

d. The heads of major divisions of departments and technical, professional or confidential employees when recommended by the City Manager with the concurrence of the City Council and approval of the Civil Service Commission, upon such terms, conditions and limitations as the Civil Service Commission may impose at the time of its approval.

e. Part-time employees who are regularly employed for less than one third time throughout the year, or who are employed in seasonal employment for not more than 90 days in any consecutive 12 months.

f. Those engaged by contract for special services of a professional, scientific or technical character, or where the service is essentially nonpersonal in character.

Section 802. Provisional Appointments. Provisional appointments to positions in the competitive civil service, in the absence of an appropriate eligible list, may be made pending the creation of an eligible list, but such provisional appointment may not exceed six months and may not be renewed or extended.

Section 803. Personnel Ordinance. The City Council shall by ordinance provide a modern system of personnel administration, including but not necessarily limited to provisions for:

a. an orderly system of positive recruiting and competitive examinations for entrance to the civil service, free of all political, religious, racial and other considerations not consistent with the merit principle, and properly advertised;

b. a system for promotions within the service based on competitive examinations or demonstrated merit as shown by records of performance and seniority, or some combination thereof;

c. appointment from among the candidates on the eligible lists;

d. a probationary or working test period of employment for the various job classifications, during which an employee may be removed from the service without right of appeal;

e. the classification of positions according to their duties and responsibilities;

f. vacation, sick leave and holidays with pay under terms reasonably consistent with prevailing practice in other places of public and private employment and for leaves of absence without pay;

g. payment for authorized and required overtime work;

h. the conditions under which the City may adopt and support a plan of health and welfare benefits for the employees;

i. the training of employees both in their current duties and for advancement;

j. the setting of performance standards and goals and the periodic evaluation of employees in relation to such standards and goals, to the end of improved public service and the development of the individual employee;

k. established procedures for the timely and orderly adjustment of grievances or complaints by an employee or a group of employees concerning the application or interpretation of this Charter, or of ordinances, rules, policies, practices, or procedures affecting the relationship of the City as an employer and the employee or group of employees and for which no other method of solution is authorized or required by this Charter or other applicable provisions of law;

l. the effect of resignation from the competitive service on the status of the employee and his rights to reinstatement within a limited period of time;

m. adequate assurance that the tenure of employees who pass the probationary period shall be permanent, subject to good behavior, the satisfactory performance of duties, the availability of funds and the need for service;

n. The disciplining of employees by suspension with or without pay or by demotion or dismissal by the City Manager or other appropriate appointing authority upon charges duly filed and based on causes named in the ordinance;

o. the hearing of appeals by the Civil Service Commission from action taken under (n) above when such appeal is filed within a specified time and in accordance with specified procedures and the reversal or modification of suspensions, demotions, or dismissals by the Civil Service Commission when in its judgment equity so requires; the decision of the Civil Service Commission in such matters shall be final;

p. procedure for laying off employees for lack of work or lack of funds in accordance with seniority and quality of service, and for the subsequent preference in reemployment of those layed off;

q. conferring probationary or permanent status on employees of any other governmental agency or public utility whose functions are assumed by the City;

r. the making of rules by the Civil Service Commission to give effect to this Article and to the ordinance adopted pursuant hereto.

Section 804. Residence. The City Council shall by ordinance establish such residency requirements for City employees as it may deem necessary.

Section 805. Continuation. Pending adoption of the ordinance required in the foregoing Section, the provisions of Article XIV of the Charter previously in effect shall have the force and effect of an ordinance. The rules of the Civil Service Commission shall remain effective until modified as authorized by ordinance. Each employee shall continue to hold his position with the status he had on the effective date of this Article; provided, that any employee heretofore in the unclassified service who holds a position which this Article includes in the competitive service, may, in the discretion of the City Manager, be continued in a position having the same or comparable duties. In that event, such employee shall have permanent status in such position without examination.

Section 806. Improper Political Activity. No City officer or employee shall engage in or participate in any political activity which the City Council, consistent with law, may proscribe by ordinance, nor shall any City officer or employee engage in or participate in any political activity contrary to any general law applicable to such officer or employee. However, a City employee holding a position in the competitive service and filing as a candidate for a compensated City office shall be required to request, and he shall be granted, a leave of absence without pay until the date of the election and until his term of office expires if he is elected.

Section 807. 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 such retirement system. The Council may terminate any such contract with the Board of Administration of the Public Employees' Retirement System without reducing benefits only under authority granted by ordinance adopted by a majority of the voters of the City voting on such proposition at an election at which such proposal is presented.

Section 808. Subpoena Power by Civil Service Commission. The Civil Service Commission shall have the power to issue subpoenas to compel the production of books, papers and documents and to take testimony on any matter pending before it. If any person subpoenaed fails or refuses to appear or to produce required documents or to testify, a majority of the Commission may find him in contempt, and shall have the power to take proceedings in that behalf provided by the general law of the State.

Section 809. Employer-Employee Relations, Mediation and Fact Finding. Consistent with applicable law, the City Council shall by ordinance provide a system of collective negotiating to include:

a. It shall be the right of City employees individually or collectively to negotiate on matters of wages, hours, and working conditions, but not on matters involving the merits, necessity, or organization of any service or activity provided by law, or on any matter arising out of Sections 803 (n) or 803 (o) of this Charter.

b. The City Council shall direct the City Manager and/or his designated representative(s) to negotiate in good faith with recognized employee organizations.

c. Agreements reached between City representatives authorized in (b) above and the representatives of recognized employee organizations shall be submitted in writing to the City Council for its approval, modification, or rejection.

d. There shall be established a timetable for the total process of collective negotiations, including mediation and fact finding,

as herein provided, which will, if successful, assure a final agreement between the parties no less than 45 days before the end of the current fiscal year.

e. If, after a period of time to be set forth in the ordinance, no agreement can be reached between City representatives authorized in (b) above and the representatives of recognized employee organizations, or if the City Council refuses to ratify the agreement arrived at or modifies such agreement in any manner unacceptable to said employee organizations, the parties shall request the State Conciliation Service, or other available impartial third-party mediation service mutually acceptable to the parties, to provide a mediator in accordance with its usual procedures.

f. If no agreement between the parties has been reached within 10 days after the date for start of mediation, a fact-finding committee of three shall be appointed to deal with the disputed issues. One member of the fact-finding committee shall be appointed by the City Council, one member shall be appointed by the recognized employee organization, and those two appointed shall name a third, who shall be the chairman. If they are unable to agree upon a third, they shall select the third member from a list of five names to be provided by the State Conciliation Service. The fact-finding committee shall make public its report, with recommendations, within 30 days. The Council shall then promptly consider and act upon the report.

g. The costs of mediation and fact finding shall be borne equally by all parties.

The provisions of this Article shall not be construed as authorizing or permitting strikes by City employees, or as making the provisions of Section 923 of the Labor Code of the State of California applicable to City employees.

Article IX
Franchises

Section 900. Franchises. The Council shall have authority to grant or issue franchises by ordinance for the transaction of business or the providing of services or for the use of public streets or other public places. The Council shall 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. Notice of Intention and Public Hearing. Not less than fifteen days prior to the granting of any franchise, the Council shall by resolution declare its intent to take such action, naming the proposed grantee, the character of the franchise, and the terms and conditions under which it is proposed to be granted. Such resolution shall set the time and place of public hearing at which protests will be heard. If after such hearing the Council shall decide to issue the franchise with any substantive change in grantee or terms and conditions, further public hearings shall be called and

held in the same manner for the hearing of objections to such proposed changes.

Section 902. Term of Franchise. Each franchise shall state the term for which it is granted, which shall not exceed 30 years.

Section 903. 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. 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 third Tuesday in April in each odd numbered year.

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.

Section 1002. Procedure for Holding Elections. Unless otherwise provided by ordinance, 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.

Section 1003. 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. Publication. The Council shall annually, after competitive bidding, designate an "Official Newspaper" and award to it a contract for the publication of all notices required by this Charter, by ordinance or general law. To qualify as the official newspaper, it must be published in the City at least weekly and have a verified paid circulation of at least 2,000 copies. The Council may reject bids which it finds to propose rates exceeding those customarily charged by the bidder for the publication of legal notices of a private character. The Council shall by ordinance designate the times and conditions under which notice shall be published of the enactment of ordinances, invitations to bid and awards of contracts, notices of intention to grant franchises, holding of elections and other matters requiring public notice in accordance with this Charter, any ordinance enacted pursuant thereto or general State law. Such ordinance governing publication may modify the times and conditions provided by general State law for any publication, but in the absence of such spe-

cific modification or waiver of notice required by State law, such State law shall govern.

Section 1101. Prevailing Wage. Every contract for the construction of public works to be performed at the expense of the City must provide that the contractor, and all sub-contractors under him, shall pay their employees on said work a salary or wage at least equal to the prevailing salary or wage for work of similar character in the locality in which the public work is performed. The contractor shall as a penalty forfeit to the City $25.00 for each calendar day or portion thereof for each employee paid less than the prevailing salary or wage for any public work done under the contract by him, or any sub-contractor under him, and all contracts for public works awarded by the City shall include a stipulation to this effect.

Section 1102. Gifts in Trust. The Council shall have power to accept gifts in trust for the City and control, manage, dispose of and otherwise administer the same in accordance with the terms thereof.

Section 1103. Oaths and Affirmations. Every officer of the City and every member of a policy and rule making and appellate board and commission (including the secretaries thereof) shall have, in all matters relevent to his office, the power to administer oaths and affirmations.

Section 1104. Suits Against the City. No suit shall be brought on any claim for money or damages against the City or any of its agencies unless a demand has first been presented to the appropriate official and rejected in whole or in part. If rejected in part, suit may be brought to recover the whole. Except where a shorter period of time is otherwise provided by law, all claims for damages against the City must be presented within 100 days after the occurrence or transaction on which the claim is based.

Section 1105. Off-Street Vehicular Parking. All of the provisions of Article XXI governing off-street vehicular parking, previously appearing in the preceding Charter, are hereby continued in force and effect as an ordinance of the City; provided, that such ordinance may not be amended by the Council to impair any obligation existing thereunder, or to divert to any other purpose any revenue expressly reserved for the payment of principal and interest on any revenue bonds authorized and issued pursuant to the authority thereof. The Council is hereby expressly authorized to exercise the powers vested by law in any city to provide off-street vehicular parking facilities and to provide for the financing thereof in whole or in part from revenues derived therefrom.

Section 1106. Oath of Office. Every officer of the City before entering upon the duties of his office shall take the oath of office as provided by the Constitution of this State.

Section 1107. Definitions. Unless the provision or the context other requires, as used in this Charter:

a. "Shall" is mandatory and "may" is permissive.

b. "City" is the City of Vallejo 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 Vallejo.

c. "County" is the County of Solano.

d. "State" is the State of California.

e. "Council" is the City Council of the City of Vallejo

f. "Member" or "Member of the Council" means any one of the seven members of the Council, including the Mayor.

g. "Officer" means the elective and appointive officers provided in this Charter and the administrative head of any department or agency or major subdivision thereof created by authority of Article VI.

h. The masculine gender includes the feminine.

Section 1108. Headings. Article and Section headings appearing in this Charter are for illustration and information and do not in any manner affect the scope, meaning or intent of the provisions of this Charter.

Section 1109. Violations. The violation of any provisions of this Charter shall be deemed a misdemeanor.

Section 1110. Validity 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. For the purposes of nominating and electing the Mayor and members of the City Council, this Charter shall take effect from the time of its approval by the State Legislature. For all other purposes, it shall take effect at 8:00 p.m. on the Tuesday next succeeding the date of the general municipal election held in April, 1971, after its approval by the Legislature.

Proposition No. 2.

As an alternative proposition, shall Section 704 of the proposed new Charter read as follows:

Section 704. Tax Rate. Not later than the date set by State law for the purpose, the Council shall by ordinance fix the rate of property tax to be levied and levy the tax upon all taxable property in the City. The annual tax levy shall not exceed the rate of one dollar on each one hundred dollars of assessed valuation of taxable property within the City, except for sums necessary to provide for payment of principal and interest on the City's bonded indebtedness, to provide for the establishment, maintenance and support of the City's public library system, and to provide for the maintenance of the City retirement system. However, the Council may declare by ordinance no later than eight months before the beginning of the next fiscal year its intention to increase the tax levy for the

next fiscal year by an amount not to exceed ten cents on each one hundred dollars of assessed valuation above the rate then in effect, unless barred by referendum action. 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 adopted and a tax at such rate shall be deemed to have been levied on all taxable property in the City for the current fiscal year. The obligations created by the City's tax levy and the manner in which they are to be collected and penalties exacted for delinquency shall be as provided by general State law.

Proposition No. 3.

As a separate proposition, shall Section 810 be added to Article VIII of the proposed new Charter to read as follows:

Section 810. Employer-Employee Relations—Arbitration. Consistent with applicable law, the ordinance adopted by the Council under Section 809 shall in addition include a requirement that if the parties do not reach agreement within 10 days after the report and recommendations of the fact-finding committee, the issues shall be submitted to arbitration. The Board of Arbitrators shall be composed of three persons; one appointed by the City Council, one appointed by the recognized employee organization, and those two appointed shall appoint a third, who shall be chairman. If they are unable to agree upon a third, they shall select the third member from a list of five names to be provided by the State Conciliation Service. No member of the fact-finding committee shall be a member of the Board of Arbitrators. The arbitrators shall consider all factors relevent to the issues from the standpoint of both the employer and the employee, including the City's financial condition. To the extent permitted by law, the decision of a majority of the Board of Arbitrators shall be final and binding upon the parties. The cost of arbitration shall be borne equally by all parties.

The Council shall also provide in said ordinance that any employee who fails to report for work without good and just cause during negotiations or who participates in a strike against the City of Vallejo will be considered to have terminated his employment with the City, and the Council shall have no power to provide, by reinstatement or otherwise, for the return or reentry of said employee into the City service except as a new employee who is employed in accordance with the regular employment practices of the City in effect for the particular position of employment.

CERTIFICATE

Whereas, the City of Vallejo for years last past, has been and now is a city containing more than three thousand five hundred (3,500) inhabitants, as ascertained by the last preceding census taken under the authority of the Congress of

the United States or of the Legislature of the State of California; and

Whereas, on the 1st day of April, 1969, at a municipal election duly and regularly held on that day, in that City under and in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the electors of said City did duly choose and elect James J. Archer, R. E. Arvedi, Charles R. Balassi, James A. Booras, John P. Csomay, Donald W. Gamble, Shirley A. Green, Robert A. Guinane, Leland C. Lehman, Helen M. Lemmon, Seymour C. Marcuse, Jr., Thomas J. Millikin, M. E. Minahen, Jr., Wyman Riley, and Rudolph W. Wessel, who were all electors of said City and eligible as candidates under said section, as a Board of fifteen (15) Freeholders to prepare a new Charter for the government of said City; and

Whereas, the result of said election of Freeholders was duly declared by the legislative body of the City of Vallejo on the 7th day of April, 1969, and said electors thereafter duly qualified as such Freeholders in accordance with law;

Be it known, that in pursuance of the provisions of said Constitution and within the period of one year after the result of said election was so declared, the said Board of Freeholders has prepared and does now propose the foregoing Charter as the Charter for the government of the City of Vallejo; and

Be it further known that the Board of Freeholders, pursuant to the provisions of said Constitution also presents for the choice of the voters, and to be voted on separately at the same election at which the Charter shall be submitted the separate propositions hereinafter stated:

Proposition No. 2

As an alternative proposition, shall Section 704 of the proposed new Charter read as follows:

"Section 704. Tax Rate. Not later than the date set by State law for the purpose, the Council shall by ordinance fix the rate of property tax to be levied and levy the tax upon all taxable property in the City. The annual tax levy shall not exceed the rate of one dollar on each one hundred dollars of assessed valuation of taxable property within the City, except for sums necessary to provide for payment of principal and interest on the City's bonded indebtedness, to provide for the establishment, maintenance and support of the City's public library system, and to provide for the maintenance of the City retirement system. However, the Council may declare by ordinance no later than eight months before the beginning of the next fiscal year its intention to increase the tax levy for the next fiscal year by an amount not to exceed ten cents on each one hundred dollars of assessed valuation above the rate then in effect, unless barred by referendum action. 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 adopted

and a tax at such rate shall be deemed to have been levied on all taxable property in the City for the current fiscal year. The obligations created by the City's tax levy and the manner in which they are to be collected and penalties exacted for delinquency shall be as provided by general State law."

Proposition No. 3

As a separate proposition, shall Section 810 be added to Article VIII of the proposed new Charter to read as follows:

"Section 810. Employer-Employee Relations—Arbitration. Consistent with applicable law, the ordinance adopted by the Council under Section 809 shall in addition include a requirement that if the parties do not reach agreement within 10 days after the report and recommendations of the fact-finding committee, the issues shall be submitted to arbitration. The Board of Arbitrators shall be composed of three persons; one appointed by the City Council, one appointed by the recognized employee organization, and those two appointed shall appoint a third, who shall be chairman. If they are unable to agree upon a third, they shall select the third member from a list of five names to be provided by the State Conciliation Service. No member of the fact-finding committee shall be a member of the Board of Arbitrators. The arbitrators shall consider all factors relevant to the issues from the standpoint of both the employer and the employee, including the City's financial condition. To the extent permitted by law, the decision of a majority of the Board of Arbitrators shall be final and binding upon the parties. The cost of arbitration shall be borne equally by all parties.

The Council shall also provide in said ordinance that any employee who fails to report for work without good and just cause during negotiations or who participates in a strike against the City of Vallejo will be considered to have terminated his employment with the City, and the Council shall have no power to provide, by reinstatement or otherwise, for the return or reentry of said employee into the City service except as a new employee who is employed in accordance with the regular employment practices of the City in effect for the particular position of employment."

Be it further known that said Board of Freeholders hereby requests said legislative body of the City of Vallejo to cause the publication of said proposed Charter and separate propositions as provided in said Constitution and does hereby fix and designate Tuesday, the 2nd day of June, 1970, as the date for the election at which the proposed Charter and separate propositions shall be submitted to the qualified electors of the City of Vallejo for their ratification and adoption;

In witness whereof, we the undersigned duly elected and qualified Freeholders of the City of Vallejo, County of Solano, State of California, have hereunto set their hands at the City

of Vallejo, County of Solano, State of California, this 4th day of March, 1970.

WYMAN RILEY, Chairman
HELEN M. LEMMON, Secretary
JAMES J. ARCHER
R. E. ARVEDI
CHARLES R. BALASSI
JAMES A. BOORAS
JOHN P. CSOMAY
DONALD W. GAMBLE deceased
SHIRLEY A. GREEN
ROBERT A. GUINANE
LELAND C. LEHMAN
SEYMOUR C. MARCUSE, JR.
THOMAS J. MILLIKIN
M. E. MINAHEN, JR.
RUDOLPH W. WESSEL
Freeholders of the City of Vallejo, County of Solano, State of California.

Attest:
HELEN M. LEMMON
Secretary of the Board of Freeholders

And we further certify that we have compared the foregoing new charter, including alternative proposition No. 2 which was not ratified by a majority of the qualified voters voting on said alternative proposition No. 2, and also including separate proposition No 3 adding thereto Section 810 to Article VIII, with the original proposed charter and alternative and separate propositions submitted 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 City of Vallejo to be affixed hereto this 5th day of August, 1970.

(SEAL)

FLORENCE E. DOUGLAS
Mayor of the City of Vallejo
HELEN G. SEEBER
City Clerk of the City of Vallejo

State of California } ss.
County of Solano }

Florence E. Douglas and Helen G. Seeber, being first duly sworn depose and say:

That the City of Vallejo is a municipal corporation and they are the Mayor and City Clerk respectively thereof, and make this affidavit on behalf of said corporation and as officers thereof.

That they have read the foregoing and know the contents thereof and that the same is true of their own knowledge, ex-

cept as to matters stated therein on their information and belief, and as to those matters they believe it to be true.

FLORENCE E. DOUGLAS
Mayor of the City of Vallejo
HELEN G. SEEBER
City Clerk of the City of Vallejo

Subscribed and sworn to before me this 5th day of August, 1970.

LELAND S. FISHER
Notary Public in and for the County of
Solano, State of California

(SEAL)

Leland S. Fisher
Notary Public—California
Solano County
My commission expires May 30, 1974

and

WHEREAS, The proposed 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 3 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 Charter of the City of Vallejo, County of Solano, 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 the Charter of the City of Vallejo, County of Solano.

RESOLUTION CHAPTER 184

Assembly Concurrent Resolution No. 105—Relative to freeway routing in Santa Cruz County.

[Filed with Secretary of State August 14, 1970.]

WHEREAS, Route 152 from Route 1 near Watsonville to Route 101 near Gilroy via the Hecker Pass is included in the California freeway and expressway system; and

WHEREAS, Route 152 traverses terrain which lends itself more properly to maintenance as a conventional state highway; and

WHEREAS, Local development in the Freedom area of Santa Cruz County will be hindered by the location of a freeway through it; and

WHEREAS, The adopted route will require vast areas of prime agricultural land in Santa Cruz County; and

WHEREAS, Other routes are available for a freeway to connect Route 1 near Watsonville to Route 101 near Gilroy to provide easy access between the coastal regions of Santa Cruz and Monterey Counties and Santa Clara Valley and San Joaquin Valley; and

WHEREAS, Route Alternate 4 was adopted by the California Highway Commission as the location of a section of Route 1 within the City of Santa Cruz; and

WHEREAS, The selection of Route Alternate 4 is contrary to the official position of both the City Planning Commission and City Council of Santa Cruz, since Route Alternate 4 was determined by these bodies not to be an effective solution to the present and future traffic problems within the city and to be disruptive of the physical environment of the portion of the city through which it passes; and

WHEREAS, The Board of Supervisors of the County of Santa Cruz has by resolution requested a moratorium on freeway planning and construction in order to study future transportation needs in Santa Cruz County; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the California Highway Commission is hereby requested:

(a) To consider other locations for Route 152 as a conventional state highway to better serve traffic;

(b) To consider other locations for a freeway connecting Route 1 near Watsonville and Route 101 near Gilroy, particularly locations in the vicinity of Route 129 near the Santa Cruz-Monterey county line; and

(c) To delay budgeting for right-of-way acquisition and design for the adopted locations of Routes 1 and 100 in the City of Santa Cruz until July 1, 1971, or until the County of Santa Cruz has completed its countywide transportation study, whichever occurs first, and to review its previous action with respect to those segments of Routes 1 and 100 after such date; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the California Highway Commission.

RESOLUTION CHAPTER 185

Assembly Concurrent Resolution No. 145—Relative to renaming Simi Valley Freeway.

[Filed with Secretary of State August 14, 1970]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That State Highway Route 118, a

portion which is presently known as the Simi Valley Freeway, is hereby designated and named the Simi Valley-San Fernando Valley 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 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 186

Senate Concurrent Resolution No. 101—Approving amendments to the Charter of the City of Los Angeles, State of California, ratified by the qualified electors of the city at a special election held therein on the second day of June, 1970.

[Filed with Secretary of State August 14, 1970.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of amendments to the Charter of the City of Los Angeles, 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 AMENDMENT 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 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 former 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 of 1925, P. 1024).

That in accordance with the then 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 a proposal for the amendment of the Charter of said city to be voted upon by said qualified electors at a special election held on the 2nd day of June, 1970, all as required by law, which said proposal was designated as proposed charter amendment B.

That on the 20th day of April, 1970, the said proposed amendment was published and advertised in accordance with former Section 8 of Article XI of the Constitution, in each and every edition of said day of April 20, 1970, 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 amendment 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 20, 1970, to and including June 2, 1970; and a notice was advertised and published on and from April 20, 1970, to and including June 2, 1970, 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 amendment was submitted to the electors of said city for adoption and ratification at a special election held on June 2, 1970, which was not less than forty, nor more than sixty, days after completion of the advertising in the official paper of the proposed charter amendment aforesaid.

At said election a majority of the qualified electors voting upon the proposed charter amendment voted in favor thereof and adopted and ratified the same, as appears by the official canvass of the returns thereof by the Registrar-Recorder of the County of Los Angeles dated July 2, 1970 directed to the City Clerk of the City of Los Angeles, and by the declaration of the Council of said City of Los Angeles, which pursuant to law met on July 7, 1970, 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 amendment 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, is in words and figures as follows:

PROPOSED CHARTER AMENDMENT B

The Charter of the City of Los Angeles is hereby amended by adding Section 240.2 thereto to read as follows:
Section 240.2. Supplemental Provisions.

Notwithstanding the provisions of Subsection E 1(c), (d) and (e) of Section 240, the Board may in the Resolution Authorizing the Issuance of Bonds:

1. Provide that the date of the bonds shall be fixed in its Resolution Authorizing the Sale of Revenue Bonds adopted in accordance with Subsection F of Section 240;

2. Provide that the date or dates of Maturity of each issue or series of bonds (which may be serial or term maturities or a combination thereof), shall be fixed in its Resolution Authorizing the Sale of Revenue Bonds adopted in accordance with Subsection F of Section 240, provided, however, that no bonds shall run more than forty (40) years from its date;

3. Fix the maximum interest cost, to be determined in the manner specified in the Resolution Authorizing the Issuance of Bonds, without regard to the limitations specified in Subsection E 1(e) of Section 240.

Any Resolution heretofore adopted by the Board authorizing the issuance of bonds under Section 240, which has become effective under the procedure set forth in Subsection D of Section 240, which bonds have been authorized but not issued, may be amended by the Board in conformity with the provisions of this Section 240.2; and as so amended, upon compliance with the provisions of Subsection D (2) of Section 240 as to the maximum interest cost therein contained, said Resolution shall take full and final effect and the Board may proceed thereafter in accordance with the provisions of such Resolution as amended, and the bonds therein authorized to be issued may be issued and sold as therein set forth.

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 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 17th day of July, 1970.

JOHN S. GIBSON, JR.
President of the Council
of the City of Los Angeles

(SEAL)

REX E. LAYTON
City Clerk of the City
of Los Angeles

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 3(a)

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 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 of Los Angeles.

RESOLUTION CHAPTER 187

Assembly Constitutional Amendment No. 67—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 thereof, by repealing Article XVIII thereof, and by adding Article XVIII thereto, relating to amending the Constitution of the State of California.

[Filed with Secretary of State August 17, 1970]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1970 Regular Session commencing on the fifth day of January, 1970, 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 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 a 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 concur-

ring, 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.

RESOLUTION CHAPTER 188

Senate Concurrent Resolution No. 95—Relative to the constitutional recess of the Legislature.

[Filed with Secretary of State August 17, 1970.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the 1970 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 5 o'clock p.m. on August 21, 1970, and shall reassemble at 3 o'clock p.m. on September 21, 1970.

RESOLUTION CHAPTER 189

Assembly Constitutional Amendment No. 65—A resolution to propose to the people of the State of California a revision of portions of the Constitution of the state by amending Sections 1, 8, 17, 17½, 18, and 20 of Article XX, and by repealing Sections 2, 3.5, 4, 5, 7, 9, 12, 13, and 14 of Article XX, relating to miscellaneous subjects.

[Filed with Secretary of State August 17, 1970.]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1970 Regular Session commencing on the fifth day of January, 1970, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the state be amended as follows:

First—That Section 1 of Article XX is amended to read:

SECTION 1. Sacramento is the Capital of California.

Second—That Section 2 of Article XX is repealed.

Third—That Section 3.5 of Article XX is repealed.

Fourth—That Section 4 of Article XX is repealed.

Fifth—That Section 5 of Article XX is repealed.

Sixth—That Section 7 of Article XX is repealed.

Seventh—That Section 8 of Article XX is amended to read:

SEC. 8. Property owned before marriage or acquired during marriage by gift, will, or inheritance is separate property.

Eighth—That Section 9 of Article XX is repealed.

Ninth—That Section 12 of Article XX is repealed.

Tenth—That Section 13 of Article XX is repealed.

Eleventh—That Section 14 of Article XX is repealed.

Twelfth—That Section 17 of Article XX is amended to read:

SEC. 17. Worktime of mechanics or workmen on public works may not exceed 8 hours a day except in wartime or extraordinary emergencies that endanger life or property. The Legislature shall provide for enforcement of this section.

Thirteenth—That Section 17½ of Article XX is amended to read:

SEC. 17½. The Legislature may provide for minimum wages and for the general welfare of employees and for those purposes may confer on a commission legislative, executive, and judicial powers.

Fourteenth—That Section 18 of Article XX is amended to read:

SEC. 18. A person may not be disqualified because of sex, from entering or pursuing a lawful business, vocation, or profession.

Fifteenth—That Section 20 of Article XX be amended to read:

SEC. 20. Terms of elective offices provided for by this Constitution commence on the Monday after January 1 following election. The election shall be held in the last even-numbered year before the term expires.

And be it further resolved, That if Assembly Constitutional Amendment No. 2 of the 1970 Regular Session is adopted by the people, Section 20 of Article XX be amended to read:

SEC. 20. Terms of elective offices provided for by this Constitution, other than Members of the Legislature, commence on the Monday after January 1 following election. The election shall be held in the last even-numbered year before the term expires.

And be it further resolved, That it is the intent of the Legislature, if the amendments to Section 20 of Article XX of the State Constitution proposed by this resolution and by Assembly Constitutional Amendment No. 2 of the 1970 Regular Session are approved by the electors, that both shall be given effect and incorporated in Article XX. Therefore, in the event Assembly Constitutional Amendment No. 2, is approved by the electors, the provisions of the second resolved clause of this resolution shall become operative at the same time that Assembly Constitutional Amendment No. 2 becomes operative, and at that time Section 20 of Article XX as amended by the first resolved clause of this resolution is repealed.

RESOLUTION CHAPTER 190

Senate Concurrent Resolution No. 23—Relative to the Joint Legislative Committee on Legislative Representation.

[Filed with Secretary of State August 17, 1970.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, As follows:

The Joint Rules Committee shall succeed to, and is vested with, the power and duties of the Legislative Analyst resulting from his designation as "clerk" and "secretary" pursuant to subdivision (d) of Section 9900 of the Government Code, by the Standing Rules of the Senate, the Standing Rules of the Assembly, and the Joint Rules of the Senate and Assembly.

In addition, the committee shall have the rights, powers and duties prescribed in Section 9909 of the Government Code, specifically including but not limited to the authority to grant certificates of registration as legislative advocates.

The committee shall study and analyze all facts relating to legislative representation and the regulation thereof, and shall report thereon to the Legislature at each regular session and from time to time as the committee deems necessary, including in the reports its recommendations for appropriate legislation.

The committee may direct the Legislative Analyst to perform such duties as may be assigned to him by the committee.

RESOLUTION CHAPTER 191

Senate Concurrent Resolution No. 25—Relative to the Prado Dam and Reservoir.

[Filed with Secretary of State August 17, 1970.]

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 Senate of the State of California, the Assembly 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 Secretary of the Senate transmit a copy of this resolution to the Director of Water Resources.

RESOLUTION CHAPTER 192

Senate Concurrent Resolution No. 41—Relative to mercury content in foodstuffs.

[Filed with Secretary of State August 17, 1970.]

WHEREAS, It has been determined that certain pesticides, sprays, and other chemicals used in agriculture are not easily or quickly dissolved or dissipated; and

WHEREAS, Recent studies by the United States Department of Agriculture and other responsible organizations have determined certain pesticides, preservatives, and other materials used in preparing foodstuffs, more particularly, vegetables for market, are responsible for the mercury content in foodstuffs; and

WHEREAS, It has been determined that such mercury content in foodstuffs is a threat to the public health; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Department of Public Health make an appropriate study and, as a result of the

facts disclosed by such study, set a tolerance limit on the acceptable mercury content of all foodstuffs intended for human or animal consumption; and be it further

Resolved, That the Secretary of the Senate transmit a suitably prepared copy of this resolution to the Department of Public Health.

RESOLUTION CHAPTER 193

Senate Concurrent Resolution No. 57—Relative to the James A. Guthrie Memorial Interchange.

[Filed with Secretary of State August 17, 1970]

WHEREAS, James A. Guthrie served for more than 23 years with distinction as a member of the California Highway Commission; and

WHEREAS, It is only fitting that his long and dedicated service to the development of the state highway system be given permanent recognition by the people of this state by naming a segment of the state highway system in his memory; and

WHEREAS, The Highway Support Group of Riverside and San Bernardino Counties and the Inland Action, Inc., of San Bernardino strongly endorsed the proposal that the interchange between Interstate Routes 10 and 15 be named the James A. Guthrie Memorial Interchange; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the interchange between Interstate Routes 10 and 15 is hereby officially designated the James A. Guthrie Memorial Interchange; and be it further

Resolved, That the Department of Public Works be directed to erect appropriate signs and markers, consistent with signing requirements for the interstate system, showing this official designation; 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 194

Senate Concurrent Resolution No. 105—Approving an amendment to the Charter of the City of Stockton, State of California, ratified by the qualified electors thereof, at a special municipal charter amendment election consolidated with the State of California direct primary election held therein on Tuesday, June 2, 1970.

[Filed with Secretary of State August 17, 1970]

WHEREAS, The City of Stockton in the County of San Joaquin, State of California, contains a population of over 112,000

as ascertained by the last preceding census taken under the authority of the Congress of the United States, and has been ever since July 2, 1923, and now is, organized 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 a majority of the electors of said city at a special election held for that purpose on the 28th day of November, 1922, and approved by the Senate of the State of California on January 22, 1923, and by the Assembly of the State of California on January 24, 1923, and filed with the Secretary of State on January 29, 1923, which said freeholders charter is printed in full in Chapter 7 of concurrent and joint resolutions and constitutional amendments passed at the regular session of the 45th Legislature of the State of California and found in Statutes of 1923 at page 1321 and following; and

WHEREAS, Proceedings have been had for the adoption and ratification of a certain amendment to the Charter of the City of Stockton as set out in the certificate of the Mayor and City Clerk of the City of Stockton, to wit:

CERTIFICATE OF THE ADOPTION BY THE QUALIFIED ELECTORS OF THE CITY OF STOCKTON AT A SPECIAL MUNICIPAL CHARTER AMENDMENT ELECTION CONSOLIDATED WITH THE STATE OF CALIFORNIA DIRECT PRIMARY ELECTION HELD THEREIN ON THE 2ND DAY OF JUNE, 1970, OF A CERTAIN AMENDMENT TO THE CHARTER OF THE CITY OF STOCKTON, STATE OF CALIFORNIA.

State of California,
County of San Joaquin, } ss.
City of Stockton,

We, Luis Arismendi, mayor of the city of Stockton and John M. Jarrett, city clerk of the city of Stockton, do hereby certify as follows:

That the said city of Stockton in the county of San Joaquin, state of California, is now and at all of the times mentioned herein was a city containing a population of more than one hundred twelve 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 Stockton is now and at all of the times herein mentioned was organized and existing under a freeholders charter adopted pursuant to 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 twenty-eighth day of November, 1922, and approved by the Legislature of the state of California on the twenty-fourth day of January, 1923 (Stat. 1923, page 1321), and filed with the secretary of state of the state of California on January twenty-nine, 1923; and

That pursuant to section 8 of article XI of the constitution of the state of California, the legislative body of said city, i.e., the city council of said city, did on its own motion and pursuant to the provisions of said article and section of the constitution of the state of California duly propose to the electors of the city of Stockton a certain proposal for the amendment of the charter of said city to be voted upon by said qualified electors at a certain special municipal charter amendment election consolidated with the State of California direct primary election held on June 2, 1970, which said proposal was designated as City of Stockton Charter Amendment Measure A; and

That said proposed City of Stockton Charter Amendment Measure A was, on the 17th day of April, 1970, duly published in each issue of the Stockton Daily Record, a daily newspaper published and circulated in the city of Stockton and the official newspaper of said city, said paper having been designated for said purpose by the said city council; and

That said city council did, by resolution No. 28,283, adopted on April 6, 1970, as amended by Resolution No. 28,300, adopted April 13, 1970, fix June 2, 1970, the date of the special municipal charter amendment election consolidated with the state of California direct primary election in Stockton, as the date of the election on said proposed charter amendment.

That said proposed charter amendment was printed in convenient pamphlet form and in type of not less than ten-point, and that the clerk of the city of Stockton caused copies of said proposed charter amendment to be mailed, postage prepaid, to each of the qualified electors of the city of Stockton, as required by law.

That the city clerk of the city of Stockton did, commencing April 17, 1970, and continuing through June 1, 1970, advertise in the Stockton Daily Record, a newspaper of general circulation in said city, and the official newspaper for said city, a notice that copies of said proposed charter amendment might be had upon application at the office of the said city clerk.

That said special municipal charter amendment election consolidated with the state of California direct primary election was held in the said city of Stockton on the 2nd day of June, 1970, which said day was not less than forty, nor more than sixty days after the completion of the advertising of said proposed charter amendment in the Stockton Daily Record, the official newspaper of the city of Stockton, as hereinabove stated;

That at such special municipal charter amendment election consolidated with the state of California direct primary election held as aforesaid on said second day of June, 1970, a majority of the qualified voters of said city of Stockton voting thereon voted in favor of one proposed amendment to the charter of the city of Stockton and duly ratified the same;

That said proposed amendment to the charter of the city of Stockton as aforesaid was and is amendment numbered Measure A.

That the city council of said city of Stockton after duly and regularly canvassing the returns of said 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 of the city of Stockton voting thereon had voted for and ratified the proposed amendment to the charter of the city of Stockton numbered Measure A.

That said proposed amendment to the charter of the city of Stockton ratified by the electors of said city, as aforesaid, is in the words and figures as follows, to-wit:

Charter Amendment Measure A

That the Charter of the City of Stockton be amended by amending Section 2 of Article VI to read as follows:

Section 2. The Council shall consist of nine members who shall be elected as provided herein, one from each of the nine districts of the City of Stockton, as fixed and established pursuant to Article II of this Charter.

Commencing with the general municipal election of 1971, each member of the City Council shall be elected by the electors of his district and shall hold office for a term of four years beginning November 1 next after his election and until his successor is elected and qualified. On the second Tuesday in October, 1971, five councilmen shall be elected to replace those councilmen whose terms shall expire on October 31, 1971, and shall take office on November 1, 1971; on the second Tuesday in October, 1973, four councilmen shall be elected to replace those councilmen whose terms shall expire on October 31, 1973, and shall take office on November 1, 1973.

At each subsequent general election the number of councilmen to be elected shall be equal to the number of terms to expire under the aforesaid provisions on the ensuing 31st day of October, to-wit: alternately five or four.

Each member of the City Council must have been a resident and qualified elector of the City of Stockton, or territory legally annexed thereto, for a period of not less than five (5) years, and a resident and qualified elector in the district from which he is nominated and elected or appointed for a period of not less than one (1) year, next preceding the day of his election or the date of his appointment.

Any member of the Council moving from his district during his terms shall automatically forfeit his office, the same to be refilled by the Council from the electors of that district. Absence from five consecutive regular meetings, unless excused by resolution of the Council, shall operate to vacate the seat of any member so absent.

If a vacancy shall occur in the office of any councilman, the Council shall appoint a person to fill such vacancy. Such vacancy in the Council shall be filled by the Council from the

electors of the district in which the vacancy occurs. If at any municipal election held under the provisions of this charter, a councilman be not elected from each district by reason of a tie vote among any of the candidates therefor, then the Council, after the qualification of the persons elected to the office of councilman at such election, shall select by lot one of the persons receiving such tie vote to fill such office. In each case, the person so appointed shall hold office until the 31st day of October next following the next general election, and at such election a person shall be elected to hold office for the remainder of any unexpired term.

That the Charter of the City of Stockton be amended by amending Section 19 of Article XXIV to read as follows:

Section 19. The electors of each councilmanic district from which a councilman is to be elected shall be entitled to vote for one member of the city council from their district, and the candidate for city councilman in each district receiving the highest number of votes cast by the electors of his district shall be declared elected to such office, except as provided in Article XXVIII, Section 11, of this Charter. The candidates for school trustee equal in number to the persons to be elected who shall receive the highest number of votes shall be declared elected to such office.

That the Charter of the City of Stockton be amended by amending Sections 1 and 2 of Article XXVIII to read as follows:

Section 1. Every incumbent of the office of school trustee of the Stockton Unified School District, whether elected by popular vote or appointed to fill a vacancy, is subject to recall by the voters of the Stockton Unified School District. Every incumbent of the office of city councilman, whether elected by popular vote or appointed to fill a vacancy, is subject to recall by the voters of his councilmanic district, except as provided in Section 11 of this Article. The procedure to effect such removal from office shall be as hereafter in this Article provided.

Section 2. A petition for the recall of a school trustee shall be signed by qualified electors of the Stockton Unified School District equal in number to not less than twenty per cent (20%) of the entire votes cast by the electors of said District at the last preceding general municipal election. A petition for the recall of a city councilman shall be signed by qualified electors of the councilmanic district from which the councilman was elected or appointed equal in number to not less than twenty per cent (20%) of the number of registered voters of such district last officially reported to the Secretary of State of the State of California by the County Clerk of the County of San Joaquin, except as provided in Section 11 of this Article. Every petition for the recall of an elective officer of the city shall be addressed to the council and presented to the city clerk. The petition may request the election of a successor to

the officer whose removal is demanded therein to be held at a special municipal election or at the next general municipal election. The petition must contain a statement of the reasons for the demand.

That the Charter of the City of Stockton be amended by repealing Section 6 of Article XXVIII.

That the Charter of the City of Stockton be amended by amending Section 6½ of Article XXVIII to read as follows:

Section 6½. Only the voters of the Stockton Unified School District shall be entitled to vote in an election for the recall of a school trustee and the filling of a vacancy in the case of the recall of the incumbent. In an election for the recall of a city councilman and the filling of a vacancy in the case of the recall of the incumbent, only the voters of the councilmanic district from which the councilman was elected or appointed shall be entitled to vote, except as provided in Section 11 of this Article.

The ballot at said election shall provide the opportunity for each voter to vote "Yes" or "No" on the proposition whether the officer involved should be recalled.

The ballot shall also contain a list of any candidates who may have qualified. Said list of candidates shall not include the incumbent. The nomination of such candidates and the election shall be in accordance with the provisions of Article XXIV.

In case the majority of the votes cast on the proposition of recalling the officer involved are "Yes" the officer shall be deemed recalled and his right to hold the office shall terminate upon the declaration by the canvassing board that a majority have voted in favor of the recall of the particular officer.

In the event of the recall of the officer the candidate receiving the highest number of votes shall be declared to be elected to the office which became vacant by virtue of the recall of the incumbent. The one elected at the recall election shall be entitled to the office immediately upon the declaration of the canvassing board declaring his election to the office, and he shall hold the office for the unexpired term to which the recalled officer was elected or appointed.

That the Charter of the City of Stockton be amended by adding a new section to Article XXVIII thereof, said section to be designated Section 11 to read as follows:

Section 11. Notwithstanding any other provision of this charter, in the following situations a petition for recall of a member of the city council shall be signed by qualified electors of the city equal in number to not less than twenty per cent (20%) of the entire votes cast by the electors of the city at the last preceding general municipal election: (1) if the petition be for the recall of a person elected or appointed to the City Council to serve during the term of office commenc-

ing on November 1, 1967, and expiring on October 31, 1971, from any of the following councilmanic districts: Districts 2, 3, 6, 8, and 9, if such petition be filed during such term of office; (2) if the petition be for the recall of a person elected or appointed to the City Council to serve during the term of office commencing on November 1, 1969, and expiring on October 31, 1973, from any of the following councilmanic districts: Districts 1, 4, 5, or 7, if such petition be filed during such term of office; provided, however, that the provisions of this section shall not apply to the recall of any person who shall have been elected to the City Council in the general municipal election of 1971 for the remainder of an unexpired term, or to the recall of any person who shall have been appointed to the City Council after the general municipal election of 1971 if another person from the same district had been elected in said election for the remainder of an unexpired term.

If a petition for the recall of a member of the city council is filed in any situation governed by the provisions of this section, the voters of the entire city shall be entitled to vote in an election on the question of whether the councilman involved shall be recalled and on the filling of a vacancy in the case of his recall.

Notwithstanding any other provision of this charter, any petition for the recall of a city councilman serving a term of office to which he was elected at a general municipal election held prior to 1971, or for the recall of a person serving on the city council by virtue of his appointment to fill a vacancy in the office of any councilman who was elected at a general municipal election held prior to 1971, shall be signed by qualified electors of the city equal in number to not less than twenty per cent (20%) of the entire votes cast by the electors of the city at the last preceding general municipal election. The voters of the entire city shall be eligible to vote in an election for the recall of such councilman and the filling of a vacancy in the case of his recall.

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 and complete certification of the regularity of all proceedings had and done in connection therewith.

In witness whereof, Luis Arismendi, mayor of the city of Stockton, and John M. Jarrett, city clerk, as aforesaid, have hereunto set their hands and caused the corporate seal of the city of Stockton to be thereunto affixed on this 14th day of July, 1970.

LUIS ARISMENDI
Mayor of the City of Stockton

(SEAL)

JOHN M. JARRETT
City Clerk of the City of Stockton

WHEREAS, Said proposed amendment to the Charter of the City of Stockton ratified by the electors of said city, as aforesaid, 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 alteration or amendment in accordance with Section 3 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 Stockton, after being presented to, adopted and ratified by the qualified electors of said City of Stockton as hereinbefore fully set forth, be and the same is hereby approved as a whole without amendment or alteration as an amendment to and a part of the Charter of the City of Stockton.

RESOLUTION CHAPTER 195

Senate Concurrent Resolution No. 78—Relative to the Public Utilities Commission.

[Filed with Secretary of State August 18, 1970.]

WHEREAS, Both the PUC and the public utilities bear an obligation as a public agency, and as regulated monopolies, respectively, to act in the public interest to protect the quality of the environment, including preservation of the scenic values and public access to and enjoyment of our public parks; 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 study the aesthetic and environmental considerations in the location of public utility structures, including, but not limited to high tension transmission lines, and the economic and technical feasibility of undergrounding these lines, and, as a result of this study, to formulate guidelines to be used in the location of public utility structures; and be it further

Resolved, That the Public Utilities Commission is requested to take whatever steps are required to insure that the state-regulated public utilities devote more funds to research in the area of the aesthetics of public utility structures, including high tension transmission lines and undergrounding techniques; and be it further

Resolved, That the Public Utilities Commission is directed to report its findings and recommendations to the Legislature not later than the fifth calendar day of the 1971 Regular Session of the Legislature; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the President and Members of the California Public Utilities Commission.

RESOLUTION CHAPTER 196

Assembly Joint Resolution No. 31—Relative to fish and wildlife.

[Filed with Secretary of State August 18, 1970.]

WHEREAS, The preservation, protection, and enhancement of all fish and wildlife in the State of California is essential to the maintenance of a high-quality environment and ecological stability in the United States; and

WHEREAS, The President and Congress of the United States and the Secretary of the Department of the Interior are engaged in fish and wildlife conservation programs having direct effect on fish and wildlife activities in the State of California; and

WHEREAS, The cooperation and mutual assistance between state and federal officials would greatly enhance the State of California's efforts to protect, preserve, and enhance the fish and wildlife of the state, particularly rare and endangered species; 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 and the Secretary of the Interior to assist the California Department of Fish and Game to compile a species inventory of the threatened fish and wildlife of the state, and also to assist the state in establishing a set of criteria for determining rare and endangered species; and be it further

Resolved, That federal officials assist the California Departments of Agriculture and Public Health in preparing a study of predatory control programs in the state since January 1, 1960; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President of the United States, to the Speaker of the House of Representatives, to the Secretary of the Interior, to the House Committee on Merchant Marines and Fisheries, to the Senate Committee on Commerce, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 197

Assembly Concurrent Resolution No. 149—Relative to the lease of an office building in the Santa Ana Civic Center with title to vest in the state at the end of the lease term.

[Filed with Secretary of State August 18, 1970.]

WHEREAS, The City of Santa Ana and the County of Orange have entered into a joint exercise of powers agreement for the purpose of creating and maintaining a Civic Center in the City of Santa Ana; and

WHEREAS, The City of Santa Ana, the County of Orange, and the federal government are in the process of locating major office and court functions in the Santa Ana Civic Center; and

WHEREAS, The Orange County Civic Center Authority, a public entity and agency, has offered to build an office building and to lease said building to the state with title to vest in the state at the end of the lease term; and

WHEREAS, The state has projected requirements for 100,000 net square feet of office space in the City of Santa Ana; and

WHEREAS, Leasing at fair market rates with title to the leased premises to vest in the state at the end of the lease period is more advantageous to the state than continued leasing without any benefits of residual value accruing to the state; and

WHEREAS, The Director of the Department of General Services is empowered to enter into such a lease; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the plan for such a lease not to exceed 35 years for a state office building in the Santa Ana Civic Center, with title to the leased premises to pass to the state at the end of the lease term without further payment, is hereby endorsed; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Orange County Civic Center Authority and the Director of General Services.

RESOLUTION CHAPTER 198

Senate Concurrent Resolution No. 90—Relative to memorializing Chester H. Warlow.

[Filed with Secretary of State August 19, 1970]

WHEREAS, Chester H. Warlow of Fresno was for 20 years a distinguished member of the California Highway Commission; and

WHEREAS, Mr. Warlow, during his long and effective career, contributed greatly to the development of California, and especially to the building of its fine system of roads and highways, through the establishment of sound laws, procedures, and principles; and

WHEREAS, He was largely responsible for the building of the highways to Sequoia National Park and Kings River Canyon; and

WHEREAS, He was among the first Californians to give effective consideration to conservation and the protection of our ecology and environmental values; and

WHEREAS, The United States government has recognized his service to the state and the nation by naming a mountain peak

in Sequoia National Park, Mt. Warlow; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature of the State of California, with the full support of the California Highway Commission, designates the recently completed rest area on U.S. 99 at Kingsburg, near Fresno, as the "Chester H. Warlow Memorial Rest Area," as a place where the weary motorist may stop to rest and refresh himself; and be it further

Resolved, That the Department of Public Works be directed to place a suitable bronze plaque at the site, with appropriate public ceremonies, as a memorial to a great Californian and in recognition of his contributions to the development of our state; and be it further

Resolved, That the Secretary of the Senate transmit suitably prepared copies of this resolution to Mrs. Chester H. Warlow, his widow, and to the California Highway Commission, and a copy of this resolution to the Director of Public Works.

RESOLUTION CHAPTER 199

Senate Joint Resolution No. 35—Relative to the San Francisco Bay Conservation and Development Commission.

[Filed with Secretary of State August 19, 1970.]

WHEREAS, The citizens of California, particularly those living in the San Francisco Bay area, have repeatedly expressed their strong belief that the bay must be protected from gradual and needless destruction through unnecessary filling and development of the bay shoreline that is not in the best public interest; and

WHEREAS, The California Legislature last year adopted, and Governor Reagan signed into law, legislation requiring that any person or governmental agency wishing to place fill in San Francisco Bay or make a substantial change in the shoreline use must first obtain a permit from the San Francisco Bay Conservation and Development Commission; and

WHEREAS, Although this requirement may not legally apply to agencies of the federal government, it is nevertheless the intent of the Legislature that, unless there are overriding reasons of national security or other national interest involved, federal agencies should be asked to comply with the provisions of state law regarding bay filling and shoreline use; and

WHEREAS, The National Environmental Policy Act of 1969, Public Law 91-190, requires that a detailed statement be prepared for the public on federal actions significantly affecting the quality of the human environment; and

WHEREAS, The President's Council on Environmental Quality has issued interim guidelines which provide that, to the fullest extent possible, the National Environmental Policy Act of 1969 (P.L. 91-190) should be applied to major federal actions having a significant effect upon the environment even

though they arise from projects initiated prior to the enactment of Public Law 91-190 on January 1, 1970; and

WHEREAS, California law requires any person or government agency wishing to place, fill, or extract materials from the bay or make any substantial change in the bay or in the 100-foot shoreline band around San Francisco Bay to first secure a permit from the San Francisco Bay Conservation and Development Commission; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the members request all federal agencies to cooperate with the San Francisco Bay Conservation and Development Commission by submitting any plans for projects that would affect the bay or the shoreline within the jurisdiction of the commission to the same review by the commission that would be required by any other similar project within the jurisdiction of the commission; and be it further

Resolved, That no action be taken by a federal agency until the San Francisco Bay Conservation and Development Commission completes such a review; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the Secretary of the Navy, to the Secretary of the Army, to the Secretary of Defense, to the Secretary of the Interior, to each Senator and Representative from California in the Congress of the United States, and to all federal agencies within the area under the jurisdiction of the San Francisco Bay Conservation and Development Commission.

RESOLUTION CHAPTER 200

Senate Concurrent Resolution No. 108—Relative to Judge Harold J. Haley.

[Filed with Secretary of State August 20, 1970.]

WHEREAS, The members were profoundly shocked and grieved at the untimely death of Judge Harold J. Haley at the County Courthouse of Marin on August 7, 1970; and

WHEREAS, Judge Haley was admired and respected by all as an extremely able jurist and a noteworthy man of great personal warmth and dignity, and his tragic loss will be acutely mourned not only by the members of the bench and bar in San Rafael and Marin County, but by all the citizens thereof whom Judge Haley has served with dedication and compassion for so many years; and

WHEREAS, He was first admitted to the bar in 1928 and continued to teach school until 1930 when he entered private practice for two years and thereafter served with distinction as the assistant district attorney and Acting District Attorney of Marin County between 1932 and 1947, and as City Attorney for the City of San Rafael from 1949 until his appointment

as municipal court judge in 1956, to which position he was reelected in 1958 and 1964; and

WHEREAS, Judge Harold J. Haley was appointed to the superior court bench in 1964 and has wholeheartedly served the cause of justice with great expertise and understanding, winning the deep-felt praise and respect from his colleagues; and

WHEREAS, His community services included a wide range of civic responsibilities, including the past presidency of the Marin County Community Chest, the County Bar Association, and the Mt. Tamalpais Parlor of the Native Sons of the Golden West; past chairmanships of the board of directors of the Catholic Social Service of Marin and the Republican Central Committee of Marin; and membership in the Sierra Club of Marin and the Marin Rod and Gun Club; and

WHEREAS, He was a native of San Rafael, having been born in that city in 1904 and graduating from the University of St. Ignatius in 1928 with a bachelor of law degree, and having served the citizens of Marin County with honor and dedication for nearly four decades of his distinguished legal career; and

WHEREAS, The people of Marin County and the State of California have suffered an immeasurable loss in the death of Judge Harold J. Haley, whose legal career was the epitome of professionalism and wisdom, and will treasure the social and legal contributions, examples, and ideals he left behind in his exemplary governmental and humanitarian service; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members express their most profound sympathy and condolence to the widow of Judge Harold J. Haley, Mrs. Gertrude Haley, and his three daughters, Mrs. Patricia Davis, Mrs. Carol Atkinson and Mrs. Joan Fennone, as well as all other members of his family and his many loyal friends; and be it further

Resolved, That the Secretary of the Senate transmit a suitably prepared copy of this resolution to Judge Haley's widow, Mrs. Gertrude Haley, and his three daughters, as well as the County Courthouse of Marin for a memorial display befitting the community's respect for Judge Harold J. Haley.

RESOLUTION CHAPTER 201

Senate Constitutional Amendment No. 18—A resolution to propose to the people of the State of California an amendment to the Constitution of the state, by adding Sections 5 and 6 to Article XXVI thereof, relating to motor vehicle taxation and revenue.

[Filed with Secretary of State August 20, 1970]

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its 1970 Regular

Session commencing on the fifth day of January, 1970, 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 5 be added to Article XXVI, to read:

SEC. 5. (a) In addition to the purposes specified in Sections 1 and 2 of this article, moneys collected from a fee or tax described in those sections and available for expenditure on the public streets and highways may be used, as provided in this section, for capital expenditures to facilitate public transportation, including mass transit systems and the payment of principal and interest on any bonded indebtedness incurred for such systems.

(b) Such moneys available for expenditure for the construction of state highways in any county may be used in the county or a city within the county for such purposes as specified in subdivision (a), or in a single-county transit district within the county or a multicounty transit district which includes the county for capital expenditures for mass transit systems and the payment of principal and interest on any bonded indebtedness incurred for such systems, only if such use is authorized by a proposition approved by a majority of votes cast on the proposition in an election held throughout the entire county in the case of a county or single-county transit district, or throughout all of the counties in a multicounty transit district.

(c) Upon the approval of a proposition under subdivision (b) by a majority of votes cast on the proposition, the California Highway Commission shall construe this as a decision of the county in the case of a county or single-county transit district, or of the counties in a multicounty transit district, to solve the transportation problems thereof through public transportation systems, other than state highways, to the extent of the expenditures of such moneys designated in subdivision (b) on such systems.

(d) If any of such moneys designated in subdivision (b) is used for the purposes designated in subdivision (a), the amount of such expenditures shall not exceed 25 percent of the amount of revenues specified in Sections 1 and 2 of this article generated in the county in the case of a county or single-county transit district, or in each of the counties in a multi-county transit district, that is available for state highway construction.

(e) Up to 25 percent of such moneys collected from a fee or tax described in Sections 1 and 2 of this article that are apportioned to any city, city and county, or county for city street or county highway purposes may be used by the city, city and county, or county for such purposes as specified in subdivision (a) only if such use is authorized by a proposition approved by a majority of votes cast on the proposition in an election held in the city, city and county, or county.

(f) The Legislature shall enact such legislation as is necessary to implement the provisions of this section.

Second—That Section 6 be added to Article XXVI, to read:

SEC. 6. (a) In addition to the purposes specified in Sections 1 and 2 of this article, moneys collected from a fee or tax described in those sections may be used for the control of environmental pollution caused by motor vehicles.

(b) The Legislature shall enact such legislation as is necessary to implement the provisions of this section.

RESOLUTION CHAPTER 202

Assembly Concurrent Resolution No. 104—Relative to higher education.

[Filed with Secretary of State August 24, 1970.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members request the Regents of the University of California to include in the university catalog, and the Trustees of the California State Colleges to include in the state college catalogs, a clear and concise interpretation of the statutory provisions relating to residency determination as utilized by the university or state college officials; 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 and to the Trustees of the California State Colleges.

RESOLUTION CHAPTER 203

Assembly Concurrent Resolution No. 193—Approving amendments to the Charter of the County of San Mateo, State of California, ratified by the qualified electors of the county at a general election held therein on the second day of June, 1970.

[Filed with Secretary of State August 24, 1970]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of amendments to the Charter of the County of San Mateo, 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:

State of California }
County of San Mateo } ss.

CERTIFICATE OF COUNTY CLERK OF THE COUNTY OF SAN MATEO, STATE OF CALIFORNIA, AND CHAIRMAN OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN MATEO, STATE OF CALI-

FORNIA, AS TO THE ADOPTION AND RATIFICATION OF CERTAIN AMENDMENTS TO THE CHARTER OF SAID COUNTY OF SAN MATEO, SUBMITTED TO THE QUALIFIED ELECTORS OF SAID COUNTY OF SAN MATEO ON TUESDAY, THE 2ND DAY OF JUNE, 1970

Be it known that:

WHEREAS, the County of San Mateo, State of California, has been at all times herein mentioned, and now is, a body politic, a corporate, and a political subdivision of the State of California, and is now and has been, since the twenty-eighth day of January, 1933, organized and acting under and by virtue of a freeholder's 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 eighth day of November, 1932, and approved by the Legislature of the State of California in the Fiftieth Session thereof, and filed in the office of the Secretary of State on the twenty-eighth day of January, 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 Resolution No. 27471, adopted March 24, 1970, duly propose to the qualified electors of said county, designated in said resolution and order as proposed County Charter Amendments lettered A and B, and ordered that said amendments be submitted to the qualified electors of said county at the June primary election to be held in said county on Tuesday, the 2nd day of June, 1970, which date was fixed in said resolution as the day for holding said general election; and

WHEREAS, said proposed charter amendments lettered A and B were published for ten times in the San Mateo Times, a daily newspaper of general circulation, printed, published, and circulated in said county, to wit: on April 20, 21, 22, 23, 24, 25, 27, 28, 29, and 30, 1970; and

WHEREAS, said June primary election, at which said proposed amendment was submitted to the qualified electors of said county, was not less than 30 nor more than 60 days after publication of said proposed amendment, as aforesaid; and

WHEREAS, a copy of the proposed charter amendment propositions, and a sample ballot containing said propositions, was mailed to every qualified elector in said County of San Mateo; and

WHEREAS, thereafter the County Clerk and ex-officio Clerk of the Board of Supervisors of said County of San Mateo did, in the manner provided by law, duly and regularly canvass the returns of said election, and the said Board of Supervisors of said county, on the 30th day of June, 1970, did duly declare the results of said June primary election as determined from the canvass of the returns thereof; and

WHEREAS, at said June primary election held on the said Tuesday, the 2nd day of June, 1970, 61,526 votes were cast in

favor of said proposed charter amendment lettered A and 53,740 votes were cast against said proposed charter amendment lettered A, and 74,121 votes were cast in favor of said proposed charter amendment lettered B and 41,512 votes were cast against said proposed charter amendment lettered B; and

WHEREAS, said proposed charter amendments lettered A and B were ratified by a majority of the electors of said county voting thereon; and

WHEREAS, said Propositions A and B appeared on the official ballot and on the voting machine as follows:

PROPOSITION A

San Mateo County Charter Amendment

Eliminates requirement that the County Manager examine and approve or disapprove all claims against the County and provides for examination and approval or disapproval of such claims by the County Manager only when directed to do so by the Board of Supervisors.

PROPOSITION B

San Mateo County Charter Amendment

Authorizes the Board of Supervisors, instead of the County Manager, to appoint the Board of Public Health and Welfare and the Recreation Commission.

; and

WHEREAS, said charter amendments lettered A and B so ratified by the electors of said County of San Mateo 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, and are and shall, if so approved by said Legislature, be in the words and figures following, to wit:

PROPOSITION A

That paragraph (j) of Section 2 of Article V of the County Charter, that Section 4 of Article IX of the County Charter, and that Section 4 of Article X of the County Charter be amended to eliminate the requirement that the County Manager examine and approve or disapprove all claims against the County and to provide for examination and approval or disapproval of such claims by the County Manager only when directed to do so by the Board of Supervisors.

Paragraph (j) of Section 2 of Article V shall read as follows:

(j) To examine such claims against the County as he may be directed from time to time by the Board of Supervisors to

examine, and to endorse his approval or disapproval thereon, with his recommendation for the allowance or disallowance thereof, prior to action thereon by the Board of Supervisors.

That Section 4 of Article IX shall read as follows:

Section 4. Engineer to Approve Claims for Road Work. No claims against the County for work done on its roads, highways, streets, bridges, aqueducts, or in connection with the same, or for materials, supplies, implements, or machinery used for or in connection therewith, shall be passed by the Board of Supervisors, or paid for by the treasurer of the County, unless there shall be endorsed thereon the written approval of the engineer.

That Section 4 of Article X (requiring the County Manager to approve all claims or demands against the County) shall be repealed.

PROPOSITION B

That Sections 4 and 5 of Article VI of the County Charter and that Section 2 of Article VII of the County Charter be amended to provide that the Board of Public Health and Welfare and the Recreation Commission be appointed by the Board of Supervisors instead of the County Manager.

Section 4 of Article VI of the Charter shall read as follows:

Section 4. Supervisorial Appointments. The Board of Supervisors shall, subject to the provisions of this Charter, appoint an Agricultural Commissioner, a Board of Education, a Board of Law Library Trustees, the County Manager, a Librarian, a Planning Commission, a Sealer of Weights and Measures, a Board of Public Health and Welfare, and a Recreation Commission.

That Section 5 of Article VI of the Charter shall read as follows:

Section 5. County Manager Appointments. The County Manager shall, subject to confirmation by the Board of Supervisors, appoint a Building Inspector, a Director of Health and Welfare, and a Purchasing Agent.

If the Board of Supervisors shall, within thirty days after submission by the County Manager of a nominee or nominees for confirmation by said Board, fail to take action upon same, said failure so to act shall be conclusively deemed to be, and shall operate as, a confirmation of said Board.

The County Manager shall, within thirty days after a vacancy occurs in, or after a refusal by the Board of Supervisors to confirm a nominee for, any office made appointable by the County Manager pursuant to the provisions of this Charter, submit to said Board of Supervisors a nominee for confirmation by said Board. If the County Manager within such time fails to so submit a nominee, said Board of Supervisors shall thereafter make such appointment.

Should said Board of Supervisors refuse to confirm a nominee of the County Manager for any such office, then the County Manager shall not thereafter submit the same nominee to said Board of Supervisors for the same appointment to such office for which such confirmation was refused; but the County Manager shall submit a different nominee for such confirmation.

Section 2 of Article VII of the Charter shall read as follows:

Section 2. Appointment and Removal of Subordinates. Every appointive County officer, appointable by the County Manager pursuant to the provisions of this Charter, shall have power to appoint and remove, subject to the approval of the County Manager, his or her deputies, clerks, attaches, or employees. Every appointive County officer, board, or commission, appointable by the Board of Supervisors pursuant to the provisions of this Charter, shall have power to appoint and remove, subject to the approval of the Board of Supervisors, his or their deputies, clerks, attaches, or employees except for temporary advisory commissions appointed by the Board of Supervisors pursuant to paragraph (o) of Section 2 of Article III of this Charter. Every elective County officer shall have plenary power to appoint or remove his or their deputies, clerks, attaches, or employees. Every appointive County officer, not appointable by the County Manager hereunder, shall, subject to the approval of the Board of Supervisors, have power to appoint or remove his or their deputies, clerks, attaches, or employees.

State of California }
County of San Mateo } ss.

We, the undersigned, Jean Fassler, Chairman of the Board or Supervisors of the County of San Mateo, State of California, and Marvin Church, County Clerk and ex-officio Clerk of the Board of Supervisors of the said County of San Mateo, do hereby certify:

That the foregoing proposed and ratified amendments to the charter of said County of San Mateo, submitted to the electors of said County at a primary election held in said county on said Tuesday, the 2nd day of June, 1970, has been compared by us, and each of us, with the proposed amendments lettered A and B set forth in the resolution adopted by said Board of Supervisors, as hereinabove set forth, and that the foregoing is a full, true, and 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 cause the same to be authenticated by the seal of said Board

of Supervisors of the County of San Mateo this 3rd day of June, 1970.

JEAN FASSLER
(SEAL) Chairman
Board of Supervisors of the County of San Mateo, State of California
MARVIN CHURCH
County Clerk and ex-officio Clerk of the Board of Supervisors of the County of San Mateo, State of California

; and
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 3(a) 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 County of San Mateo, as proposed to, and adopted and ratified by, the electors of the county, 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 County of San Mateo.

RESOLUTION CHAPTER 204

Assembly Joint Resolution No. 48—Relative to the southern California regional airport systems study.

[Filed with Secretary of State August 27, 1970.]

WHEREAS, The Southern California Association of Governments has commenced a continuing, comprehensive, region-wide planning process which will include the identification of regional problems and issues and recommendations for goals and policies leading to their solution; and

WHEREAS, The general assembly of the association has adopted a basic regional planning program which, among other things, provides for the coordination of the various elements of transportation planning; and

WHEREAS, The Southern California Association of Governments' Airport Study Authority is now engaged in a two-year regional airport systems study which was begun when financial assistance was obtained for such a study under the provisions of Section 701 of the Housing Act of 1954, as amended; and

WHEREAS, One year of the study is near completion and an application for the second year funding will be made to the Federal Department of Housing and Urban Development pursuant to said act; and

WHEREAS, The magnitude and complexity of aviation and airport development in southern California are of such a nature that the full two-year program is necessary to develop the findings, conclusions and recommendations of the study; and

WHEREAS, Airport development is crucial to the development of a regional transportation plan, which, in turn, is a significant element in a coordinated regional comprehensive plan; 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 the necessary funds for the completion of the full two-year, 10-county southern California regional airport systems study and to assure that such funding be made available in sufficient time so that the study may continue without an interruption in the research; 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 205

Assembly Joint Resolution No. 52—Relative to the California Desert.

[Filed with Secretary of State August 27, 1970.]

WHEREAS, The California Desert contains a multitude of valuable resources such as minerals, unique vegetation, and wildlife, historical and archaeological treasures, and unparalleled scenery; and

WHEREAS, The California Desert is now threatened by air pollution, solid waste disposal, scars on the land surface, accidental destruction and wanton vandalism; and

WHEREAS, Three-fourths of the California Desert belongs to the United States government; and

WHEREAS, The Bureau of Land Management has prepared a very thorough and complete report urging a comprehensive plan for development and protection of the California Desert titled The California Desert, A Critical Environmental Challenge; and

WHEREAS, The Bureau of Land Management stressed in its report the urgent need for legislation regulating the use, development and utilization of the California Desert; and

WHEREAS, That need is also recognized by the United States Forest Service, the National Park Service, the State of California Resources Agency, and the Southern California Association of Governments, and these agencies have pledged to work together to help protect the California Desert; 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 embodying the recommendations of the Bureau of Land Management for the protection and enhancement of the California Desert; 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 206

Assembly Joint Resolution No. 60—Relative to environmental quality.

[Filed with Secretary of State August 27, 1970.]

WHEREAS, Congress has acted to phase out the present 7-percent excise tax on new automobiles beginning with a 2-percent reduction starting January 1, 1971, rising to a 4-percent reduction in 1972, and complete removal of this tax in 1974; and

WHEREAS, The Assembly Select Committee on Environmental Quality, consisting of committee chairmen of Assembly policy committees concerned with environmental quality, has recommended that legislation be enacted establishing a state environmental excise tax on new automobiles to fund programs to preserve, protect, and enhance the state's environmental quality contingent on removal of the federal excise tax on new cars; and

WHEREAS, The select committee has recommended that an Environmental Bill of Rights be amended into the California Constitution declaring that it is the policy of the state to develop and maintain a high-quality environment in order to assure for the people of the state, now and in the future, clean air, pure water, freedom from excessive noise, and enjoyment of scenic, historic, natural, and aesthetic values; and

WHEREAS, The California Legislature recognizes the need to acquire key coastal resources to meet increasing demand for

public beaches and for the protection of other unique coastal resources; and

WHEREAS, The California Legislature further recognizes the need to make funds available in order to improve water quality, provide clean air, and develop improved methods of solid waste management; and

WHEREAS, The national administration has proposed a new federalism involving greater exercise of initiative and responsibility by state and local governments to deal with state problems; 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 not to request reimposition of a federal excise tax on new automobiles, so that this tax source may be used by the states to preserve, protect, and enhance the quality of our environment; and be it further

Resolved, That the Legislature urges each Senator and Representative from California in the Congress of the United States to take all necessary action to allow this tax source to be made available to California for environmental quality control purposes; 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 207

Assembly Joint Resolution No. 62—
Relative to Garner Valley.

[Filed with Secretary of State August 27, 1970.]

WHEREAS, Garner Valley in the San Jacinto Mountains in Riverside County is a scenic area within short traveling distance from major population centers of California; and

WHEREAS, There exists a crucial need for recreational land near major population centers in California and the nation; and

WHEREAS, The preservation of present recreational land is of highest priority in California's fight to preserve her environment; and

WHEREAS, The several thousand acres of Garner Valley are adjacent to the San Bernardino National Forest; and

WHEREAS, Proposed development of this area may have adverse ecological effects upon such surrounding lands; and

WHEREAS, A recent United States Forest Service report indicates the advisability of protecting Garner Valley to insure the conservation of federal lands in this area; and

WHEREAS, This study specifically notes that Garner Valley is a key watershed in the upper reaches of the San Jacinto River, and proper management of both private and national forest lands is essential from a flood control, water quality, and soil erosion standpoint; and

WHEREAS, The federal government owns surplus property which consists of less desirable recreational land throughout California and in the vicinity of the City of Riverside, and it may be in the best interest of the people of the State of California and the nation to preserve Garner Valley and allow development on other surplus land; 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 take immediate action to preserve Garner Valley or portions thereof; and be it further

Resolved, That such action emphasize the possibility of exchanging surplus land or other federal properties in the vicinity of the County of Riverside or elsewhere for such Garner Valley land; 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 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 208

Assembly Joint Resolution No. 64—Relative to foreign fishing off the United States coastal waters.

[Filed with Secretary of State August 27, 1970]

WHEREAS, The fishing industry has played a most important role in the development of the California economy; and

WHEREAS, Many Californians are dependent on the fishing industry to provide them jobs and a livelihood; and

WHEREAS, There has been a rapid increase in foreign fishing activities off the coasts of the United States, especially the Pacific Coast; and

WHEREAS, The California fishing industry is seriously threatened by increasing foreign fishing competition, which utilizes technological methods prohibited for use by California fishermen, resulting in overfishing and possible loss of some fisheries; and

WHEREAS, There have been several reported instances of foreign fishing vessels violating the 12-mile United States coastal limit by fishing; and

WHEREAS, The increasing threat to the irreplaceable natural resource, the coastal fishery, has alarmed many conservationists and American commercial fishermen; 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, Congress, the United States Secretary of Interior and State, and the United States Bureau of Commercial Fisheries to immediately review the threat posed to our marine resources by the foreign vessels fishing off the United States coastal waters; 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 Interior and State, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 209

Assembly Joint Resolution No. 66—Relative to restricted dangerous drugs.

[Filed with Secretary of State August 27, 1970.]

WHEREAS, The rapidly growing and widespread abuse of restricted dangerous drugs, particularly of the amphetamines and barbiturates, has reached crisis proportions both nationally and in the State of California; and

WHEREAS, The illicit supply and availability of these restricted dangerous drugs is to a great degree directly attributable to the diversion of dangerous drugs from legal distribution and dispensing channels into illegal markets; and

WHEREAS, One of the most glaring points of diversion of legally manufactured drugs into the illicit market is through the mail order purchase of restricted dangerous drugs from out-of-state wholesale drug firms which deal exclusively through the United States mail; and

WHEREAS, There is incontrovertible evidence that mail order drug firms regularly sell and ship large amounts of restricted dangerous drugs through the United States mail to unauthorized persons; and

WHEREAS, Such mail order drug wholesale firms are virtually uncontrolled and unregulated by federal law, and because of the interstate character of the distribution of drugs by mail the states are powerless to regulate such businesses beyond their borders; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully request the Congress of the United States to enact legislation to ban sales and shipment of restricted dangerous drugs through the mails, or if this should prove unfeasible, to enact legislation to severely and strictly control the interstate distribution of restricted dangerous drugs; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President of the United States,

the Speaker of the House of Representatives, the Attorney General of the United States, the House Select Committee on Crime, the House Committee on Ways and Means, the House Committee on Interstate and Foreign Commerce, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 210

Assembly Joint Resolution No. 70—Relative to the proposed A. P. Giannini commemorative stamp.

[Filed with Secretary of State August 27, 1970.]

WHEREAS, A. P. Giannini is recognized by professional economists as the greatest innovator in banking, having permanently revolutionized banking everywhere by founding and successfully operating a bank expressly to serve "the little fellow"; and

WHEREAS, He established that bank in cosmopolitan San Francisco, California, in the year 1904 as the Bank of Italy, later changed its name to Bank of America NT&SA, and saw it grow in some 40 years, under his leadership, from a modest single office to the world's largest privately owned bank and an international institution; and

WHEREAS, Even today the Bank of America NT&SA is owned and controlled by "the little fellow," for of the 180,000 shareholders none owns as much as 1 percent of the outstanding stock; and

WHEREAS, The banking institution A. P. Giannini founded and the revolutionary banking policies and principles he introduced have immeasurably contributed to the economic development and prosperity not only of California and the nation but have also profoundly benefited international trade and the economy of foreign countries; and

WHEREAS, Much of the financial reward earned by A. P. Giannini personally was by him devoted to public service by endowing educational foundations and donating funds to academic institutions and charities; and

WHEREAS, The life and career of A. P. Giannini, a California-born son of Italian immigrants, illustrate dramatically the opportunities open to all in our democratic society and American free enterprise system; and

WHEREAS, There is pending a proposal that the United States Post Office issue a commemorative stamp in honor of A. P. Giannini; and

WHEREAS, The proposed A. P. Giannini commemorative stamp would perpetuate throughout the world not only the memory of his achievements and public service but also of the values and benefits inherent in American democracy; and

WHEREAS, This year, 1970, is the centennial anniversary of the birth of A. P. Giannini and hence a most appropriate time

for the issuance of the proposed A. P. Giannini commemorative stamp; 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 Postmaster General, the Congress of the United States, and the Citizens' Stamp Advisory Committee that in this centennial year of the birth of A. P. Giannini there be issued a commemorative stamp in recognition of his achievements and public service and as an exemplification of the opportunities open to all in our democratic society and free enterprise system; 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 Citizens' Stamp Advisory Committee and to Claire Giannini Hoffman, the daughter of A. P. Giannini.

RESOLUTION CHAPTER 211

Assembly Concurrent Resolution No. 26—Relative to the southern crossing.

[Filed with Secretary of State August 27, 1970.]

WHEREAS, Pursuant to statutory authorization, engineering, traffic, and financial studies have been conducted in connection with construction of the southern crossing; and

WHEREAS, The Division of Bay Toll Crossings of the Department of Public Works, in February 1966, issued the Southern Crossing of San Francisco Bay Report, recommending the construction of the bridge, which report has not been updated, even though construction will not commence until the latter part of 1971, a time lapse of almost six years, and will not be completed until 1975; and

WHEREAS, The San Francisco Bay Area Rapid Transit District (BART) will begin operations in 1972; and

WHEREAS, The revenues of BART could be adversely affected upon the opening of the southern crossing in 1975, since people served by both BART and the bridge may elect to cross the bay by using the bridge rather than the rapid transit system; and

WHEREAS, The bond issue necessary to finance the construction of the $285,000,000 southern crossing will seriously affect the bonding capacity of public entities in the San Francisco Bay area in general, which together with the potential loss in revenue to BART, may seriously impair the marketability of any future bonds which might be necessary to finance the construction of the rapid transit system; and

WHEREAS, On the basis of aesthetics, a cable-stayed girder design was finally chosen for the 1,300-foot main span in lieu of the original choice of a tied arch; and

WHEREAS, The lack of current information regarding the role of the southern crossing in a balanced transportation system which is highly essential to the future economic growth of the San Francisco Bay area, the potential impairment in the marketability of any future BART bond issues, and the controversy over the type of structure to be used for the 1,300-foot main span, seem to indicate that the impact of the bridge, from a transportation, economical, ecological, and financial standpoint, on the San Francisco Bay area was not fully considered before authorization was granted to complete the design and to commence construction in 1971; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members hereby request the California Toll Bridge Authority to reconsider its decision to construct the southern crossing after the completion of a comprehensive reexamination of all criteria relative to the need for such a crossing, including, but not limited to, the impact of a fully operative Bay Area Rapid Transit District system; and be it further

Resolved, That the California Toll Bridge Authority request the cooperation of the San Francisco Bay Conservation and Development Commission in conducting its comprehensive reexamination; and be it further

Resolved, That the California Toll Bridge Authority, in making its comprehensive reexamination, conduct public hearings in the San Francisco Bay area so that all interested parties may have the opportunity to present their viewpoint; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the California Toll Bridge Authority.

RESOLUTION CHAPTER 212

Assembly Concurrent Resolution No. 56—Relative to the Skyline Regional Scenic Recreation Route.

[Filed with Secretary of State August 27, 1970.]

WHEREAS, The Peninsula's Skyline Boulevard constitutes the crowning gem of the San Francisco Bay area, the home of over four million people; and

WHEREAS, In view of the exploding growth of population in, and the increasing urbanization of, the bay area, it has become apparent that the opportunity to preserve and enhance the natural beauty of the skyline may soon cease to exist; and

WHEREAS, The San Mateo County Parkways and Scenic Roads Subcommittee, with Mr. George Dean as chairman, at a meeting held at Canada College, Woodside, on March 26, 1969, recommended that the skyline be developed as a regional scenic recreational route so that the unlimited recreational opportunities in the skyline area be available to the residents of the bay area; and

WHEREAS, Only by the concerted and coordinated effort and planning of the Counties of San Mateo, Santa Clara, and Santa Cruz and the City and County of San Francisco can the concept of the development of the skyline as a regional scenic recreational route be brought to fruition; and

WHEREAS, The subcommittee, therefore, recommended that the boards of supervisors of the four counties develop an interagency agreement to implement such a creative concept; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members endorse the concept of developing Skyline Boulevard into the Skyline Regional Scenic Recreational Route so as to preserve and enhance the ecology of the skyline; and be it further

Resolved, That the Chief Clerk of the Assembly transmit suitably prepared copies of this resolution to the San Francisco, San Mateo, Santa Clara, and Santa Cruz Boards of Supervisors.

RESOLUTION CHAPTER 213

Assembly Concurrent Resolution No. 57—
Relative to vocational education.

[Filed with Secretary of State August 27, 1970.]

WHEREAS, Vocational education and its improvement are critical needs for California today; and

WHEREAS, The Legislature has just received the Arthur D. Little report on evaluation and recommendations concerning vocational education in California; and

WHEREAS, The Arthur D. Little report recommends local involvement in the vocational educational planning process; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature urges the State Board of Education to require that each school in California create a broad based citizens committee to discuss and evaluate and plan for improved vocational education for the school; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the State Board of Education.

RESOLUTION CHAPTER 214

Assembly Concurrent Resolution No. 77—Relative to year-round operations at the University of California.

[Filed with Secretary of State August 27, 1970]

WHEREAS, The Legislature recognizes that greater utilization of existing and planned facilities of the University of California is in the best interest of the citizens of California in view of the numbers of students requiring advanced education; and

WHEREAS, Operation of the campuses of the University of California on a year-round basis will provide greater utilization of existing and planned facilities; and

WHEREAS, It is clear that long-term capital outlay savings to the state, as a result of the year-round operations, will substantially exceed additional operating costs to the state resulting from offering a summer quarter at the same level of quality as other quarters; and

WHEREAS, These savings can be achieved while providing greater educational service to California's students; and

WHEREAS, Any delay in instituting the system of year-round operations at the university will result in additional long-term costs which must be borne by the taxpayers of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members urge the Regents of the University of California to institute a program of year-round operations on all campuses of the University of California at the earliest possible time; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Regents of the University of California.

RESOLUTION CHAPTER 215

Assembly Concurrent Resolution No. 87—Relative to travel routes between California and the Baja California Peninsula.

[Filed with Secretary of State August 27, 1970.]

WHEREAS, Travel between the United States and the Baja California Peninsula has an annual increase of approximately 15 percent and is expected in the next six years to double from the 35,000 persons crossing daily in 1968; and

WHEREAS, Additional access will be needed for the proposed State of California Border Park and the new residential-recreational marina, and a new road is absolutely essential to provide proper traffic capacity for persons crossing the border; and

WHEREAS, It is desirable to segregate traffic destined for downtown Tijuana from that destined for other parts of Baja

California, and to avoid congestion it is necessary to provide a more direct route to Baja California and to segregate truck traffic from passenger traffic; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Department of Public Works is directed to conduct a study on the subject of a proposed north/south extension of the freeway system from Interstate 5 in the vicinity of State Route 75 in a southwesterly direction to a new crossing at the international border approximately one-fourth to one-half of a mile inland from the Pacific Ocean; and be it further

Resolved, That the Department of Public Works report its findings and recommendations to the Legislature not later than July 1, 1971; 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 216

Assembly Concurrent Resolution No. 102—Relative to academic tenure at the University of California.

[Filed with Secretary of State August 27, 1970.]

WHEREAS, It is the policy of the University of California to grant tenure upon employment with no probationary period to academic staff hired at the rank of associate professor and above; and

WHEREAS, Academic probation is established to assess the quality of an instructor's scholarly work and his teaching performance prior to granting permanent status; and

WHEREAS, The length of such probationary periods for instructors has historically been set to provide for maximum evaluation of the general competence of academic staff; and

WHEREAS, The American Association of University Professors has set forth a general policy which recommends at least a minimum service or probation for all academic staff; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature call upon the University of California to alter its academic tenure policy to provide that all academic employees serve a minimum probationary period in the system; and be it further

Resolved, That academic employees hired at the rank of associate professor or professor may be accorded tenure at the beginning of the second year of continuous employment and shall be accorded tenure at the commencement of the third year of continuous employment; and be it further

Resolved, That the acquisition and termination of academic tenure, and rehiring decisions, shall be preceded by evaluation procedures which include the consideration of teaching per-

formance based on observed or tested student achievement, research and creative activity, and contributions to the college and community; and be it further

Resolved, That all academic employees hired below the rank of associate professor shall become eligible for the accordance of tenure only after four successive years of employment, and in no instance shall the probationary period extend beyond seven years; 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 President of the University of California and to the statewide Academic Senate of the University of California.

RESOLUTION CHAPTER 217

Assembly Concurrent Resolution No. 113—Relative to the Portola Freeway.

[Filed with Secretary of State August 27, 1970.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That State Highway Route 380 is hereby officially designated and named the Portola 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 portion of highway upon its construction as a freeway, 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 218

Assembly Concurrent Resolution No. 123—Relative to a feasibility study of a state beach and park in the Palos Verdes Peninsula area of Los Angeles County.

[Filed with Secretary of State August 27, 1970.]

WHEREAS, There is a definite need for public facilities to serve the millions of people in southern California seeking outdoor areas for recreation purposes; and

WHEREAS, The Portuguese Bend "slide area" and adjacent ocean front areas of the Palos Verdes Peninsula in Los Angeles County offer tremendous esthetic and recreational advantages to the residents of southern California; 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 undertake a study to determine the

feasibility of acquiring and developing a state beach and park in the Portuguese Bend "slide area" and adjacent ocean front areas of the Palos Verdes Peninsula in Los Angeles County and to report thereon to the Legislature in January 1971, contingent upon the County of Los Angeles providing assistance in the form of services, materials, or funds to the Department of Parks and Recreation to conduct such study, or unless funds are otherwise available for the purpose; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Governor, the Director of Parks and Recreation and to the Board of Supervisors of Los Angeles County.

RESOLUTION CHAPTER 219

Assembly Concurrent Resolution No. 129—Relative to the disposal of environmentally harmful pesticides.

[Filed with Secretary of State August 27, 1970]

WHEREAS, It has been shown that environmentally harmful pesticides have done immeasurable damage to the environment; and

WHEREAS, The United States and California Departments of Agriculture no longer considers certain environmentally harmful pesticides safe enough for home and garden use and has banned many uses of these pesticides; and

WHEREAS, There are large stocks of environmentally harmful pesticides in the hands of home gardeners who have no satisfactory means of disposal; and

WHEREAS, Some of these environmentally harmful pesticides are nonbiodegradable and the usual methods of disposal will only increase the environmental damage; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature requests the California Department of Agriculture to propose a program for the safe and efficient disposal of unwanted environmentally harmful pesticides and to cooperate with the federal government in any similar program which it may initiate; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Agriculture.

RESOLUTION CHAPTER 220

Assembly Concurrent Resolution No. 136—Relative to beach erosion in San Mateo County.

[Filed with Secretary of State August 27, 1970]

WHEREAS, The coastal area of the State of California is subject to continuing erosion as a result of strong tidal and wave action generating in the Pacific Ocean; and

WHEREAS, Over a period of years, as a result of engineering studies, certain areas of the coast have been stabilized by construction of appropriate structures or facilities; and

WHEREAS, There is a current problem of beach erosion which is causing damage to both public and private property in or about the area of the Cities of Half Moon Bay and Pacifica in the County of San Mateo; and

WHEREAS, The temporary measures taken by the affected jurisdictions have not corrected this problem; and

WHEREAS, A permanent solution to the beach erosion problem in this area is deemed necessary for the safety of lives and property of the citizens of the County of San Mateo and more particularly within the affected area; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the appropriate state department within the Resources Agency and the appropriate state department within the Business and Transportation Agency be directed and authorized to conduct such studies as are necessary to determine the corrective action required to alleviate this erosion problem and to recommend methods under which financing can be obtained to accomplish such corrective action; and be it further

Resolved, That the designated departments shall file a final report no later than the 10th calendar day of the 1971 Regular Session; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the secretary of the Resources Agency and to the secretary of the Business and Transportation Agency.

RESOLUTION CHAPTER 221

Assembly Concurrent Resolution No. 157—Relative to San Luis Rey-Santa Margarita investigations.

[Filed with Secretary of State August 27, 1970.]

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, The major cities and public water districts within the Santa Margarita and San Luis Rey Watersheds have formed joint powers agencies to conduct in-depth investigations into water quality management for the protection and preservation of the water supplies of these watersheds; and

WHEREAS, Such investigations are in aid of the jurisdiction and planning of the State Water Resources Control Board and the California Regional Water Quality Control Board, San Diego Region; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Department of Water Resources, in cooperation with San Luis Rey Water Planning Agency, and Santa Margarita Planning Agency, on an equal matching basis, assist in formulating a basinwide water quality and water resources development plan for Santa Margarita and San Luis Rey Watersheds, considering surface and subsurface waters and evaluation of least cost solutions to water quality control; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Director of Water Resources.

RESOLUTION CHAPTER 222

Assembly Concurrent Resolution No. 166—Relative to the designation of lanes for slow-moving vehicles.

[Filed with Secretary of State August 27, 1970.]

WHEREAS, Many of the freeways in metropolitan areas are congested at many hours of the average day; and

WHEREAS, This congestion may be aggravated by the existence of slow-moving vehicles in the extreme right-hand lane of such freeways, which impede the flow of vehicles onto and off of such freeways because of the closeness of on and off ramps, and, in particular, where there are numerous right-hand lanes which end at exit ramps; and

WHEREAS, The Department of Public Works has authority, under Section 21655 of the Vehicle Code, to designate lanes other than the extreme right-hand lane for slow-moving vehicles; and

WHEREAS, The designation of a lane other than the right-hand lane for such slow-moving vehicles in metropolitan areas having freeways of four or more lanes in each direction might vastly implement the flow of traffic on and off the freeways and reduce the danger of accident; 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 Works to review the freeway system in major metropolitan areas, and to undertake experimental pilot projects on freeways of four or more lanes in each direction to determine those areas where the right-hand lane of such freeway ends at an exit ramp and where the flow of traffic would be improved by the designation of a lane other than the right-hand lane for slow-moving vehicles, and to erect appropriate signs at reasonable intervals giving notice of such designation; and be it further

Resolved, That the directory portions of this resolution shall expire two years after the execution thereof unless renewed by a later session of the Legislature after the Department of

Public Works has had an adequate time to study the effects thereof and report back to the Legislature; 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 223

Assembly Concurrent Resolution No. 181—Relative to graduate school admissions.

[Filed with Secretary of State August 27, 1970.]

WHEREAS, The University of California has employed the practice of extending preference to younger students for admission into some of the graduate schools; and

WHEREAS, There is no rational or justifiable reason for the extension of preference on the basis of age; and

WHEREAS, Through employment of this practice numbers of qualified and productive citizens of the State of California are being unjustly denied the privilege of seeking out a continuation and furtherance of their education; and

WHEREAS, In an age when education is so vitally important for those of all ages, such practice is intolerable; and

WHEREAS, The Legislature of the State of California has expressed its intent in the statutes in various areas as being opposed to the concept of age being used as a basis for differentiation in treatment of persons, particularly in the area of employment; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members urge the Regents of the University of California to abandon the practice of extending preference to younger students in the admissions to some of the graduate schools of the University of California; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Regents of the University of California.

RESOLUTION CHAPTER 224

Senate Concurrent Resolution No. 44—Relative to cranes, hoists, and derricks.

[Filed with Secretary of State August 27, 1970.]

WHEREAS, Present safety orders and regulations promulgated by the Division of Industrial Safety governing construction and operation of cranes, hoists, and derricks do not represent the highest standard of safe practices; and

WHEREAS, A complete review of its rules and regulations shall be made by the Division of Industrial Safety to upgrade safety standards relating to cranes, hoists, and derricks so

that they are at least equal to or better than the consensus standards of the American National Standards Institute, B.30.5, 1968 edition, for Crawler, Locomotive and Truck Cranes, B.30.2, 1952 edition, for Cranes, Derricks and Hoists; and those parts of MH9.1, 1968 edition, Safety Requirements for Longshoring of Docks applying to Operation of Cranes. Appropriate parts of Local Law No. 73 for Power Operated Cranes and Derricks enacted by the City of New York, and effective Jan. 8, 1970, shall be considered; and

WHEREAS, The present provisions prohibiting the use of additional counterweights should be strengthened, especially where a counterweight shell is used; and

WHEREAS, Operation of cranes, hoists and derricks in close proximity to high-voltage lines continues to cause a high incidence of fatal injuries to construction workers, such equipment when operated within 10 feet of high-voltage lines shall be equipped with approved stops on the boom-raising and swing mechanisms which shall by mechanical, electrical, hydraulic or other means positively prevent the boom from being raised or swung into such high-voltage lines; and

WHEREAS, Cranes and derricks having a boom exceeding 60 feet in length or a maximum rated capacity exceeding 15 tons shall be provided an approved boom angle indicator which would make the boom angle in feet or degrees clearly visible to the operator at all times; the indicator shall give simultaneously a clearly audible and visual signal before high, low, and intermediate unsafe boom angles are reached; the indicator should be mounted in the cab, adjustable, and under the control of the operator at all times; and a visual inspection of the indicator should be made each day by the operator to see that it is properly functioning; and

WHEREAS, Cranes and derricks having either a boom exceeding 200 feet in length or a maximum rated capacity exceeding 50 tons should be provided with an approved device to measure and indicate the percentage of the maximum safe capacity and of the maximum safe overturning moment which is being utilized by the combination of load and boom angle at any given time; and

WHEREAS, All crane, hoist, or derrick boom weldments shall be magnetic particle tested, X-rayed or tested by ultrasonic means as well as visually inspected, and should be inspected at specified intervals; and

WHEREAS, Operators of cranes of 50 tons or more capacity should be tested by recognized authority or trained under formal union or management training programs, or both, to ensure that they are qualified to operate such cranes; and

WHEREAS, The provisions of the foregoing shall not apply to maintenance and repair operations conducted by public utilities of high-voltage lines with their own personnel when using properly insulated equipment; and

WHEREAS, There are many more such standards that should be adopted; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Division of Industrial Safety is directed to make a complete review of its rules and regulations to upgrade safety standards relating to cranes, hoists, and derricks; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Division of Industrial Safety.

RESOLUTION CHAPTER 225

Senate Concurrent Resolution No. 46—Relative to submerged lands in Clear Lake.

[Filed with Secretary of State August 27, 1970.]

WHEREAS, Clear Lake in Lake County in the State of California has been determined to be a navigable body of water; and

WHEREAS, Title to the submerged lands comprising the bed of Clear Lake, situate under the waters thereof and below the low water mark of the lake, is vested in the State of California subject to certain public rights incident to navigation, fishing, and recreation; and

WHEREAS, The Legislature enacted Chapter 1553 of the Statutes of 1947 authorizing the State Lands Commission to lease the bed of Clear Lake to Lake County subject to the terms of such statute; and

WHEREAS, Pursuant to such statute the State of California, acting through the State Lands Commission by agreement entitled "Lease of Submerged Lands in Clear Lake, Lake County, California" and dated August 22, 1949, leased its interest in such lands comprising the bed of Clear Lake to Lake County in accordance with the terms and conditions of the statute for a term of 50 years; and

WHEREAS, During the year 1964, Lake County reached the conclusion that the state was in a better position to accomplish the purpose of the statute and accordingly requested the state to enter into mutual agreement terminating the lease and the request was granted and the lease terminated; and

WHEREAS, Since the termination of the lease drastic changes in conditions relating to Clear Lake, including increased and expensive development of properties proximate to the lake, unexpected expansion of recreational uses particularly in boating and skiing, and a vast increase in the number of vacationists to the Clear Lake area, have convinced the Board of Supervisors of Lake County that the best interest of both the state and Lake County would be better served if the responsibilities and obligation of the lease were restored to the county; and

WHEREAS, Lake County is now in a position to take action in actually improving Clear Lake by the removal or marking of lake hazards, an improvement which is vital to the safety of all lake users, and to effectively enforce safety measures for their protection; and

WHEREAS, It is not the intent or desire of the county to usurp or affect programs such as algae, gnat or water quality control which are now in progress or will be approved in the future and which programs are of far-reaching benefit to all the people of the state; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members hereby direct the State Lands Commission to lease the submerged lands in Clear Lake to Lake County on terms fair and equitable to both the county and the state; provided, however, that any revenue from the lake shall be used only for the maintenance and improvement of the lake; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the members of the State Lands Commission.

RESOLUTION CHAPTER 226

Senate Concurrent Resolution No. 47—
Relative to retirement benefits.

[Filed with Secretary of State August 27, 1970.]

WHEREAS, It has been proposed that the retirement benefits of all law enforcement officers be standardized and that the state assume the costs thereof as a means of providing financial assistance to local law enforcement agencies; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature requests the Joint Legislative Retirement Committee and the Commission on Peace Officers Standards and Training to study the feasibility of a program of standardized retirement benefits for all law enforcement officers in the state, and the most feasible method of financing the employer's cost of such a program; and be it further

Resolved, That the Joint Legislative Retirement Committee and the Commission on Peace Officers Standards and Training are requested jointly to hold at least two hearings and thereafter to report the results of their study to the Legislature on or before the 20th day of the 1971 Regular Session; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the Joint Legislative Retirement Committee and the Commission on Peace Officers Standards and Training.

RESOLUTION CHAPTER 227

Senate Concurrent Resolution No. 67—Relative to in-service academic training of public school teachers.

[Filed with Secretary of State August 27, 1970.]

WHEREAS, The increasingly rapid expansion of information and data in the several academic disciplines, including, but not limited to, the physical and natural sciences, mathematics, the social sciences, humanities, English, and literature, is often referred to as the "knowledge explosion"; and

WHEREAS, Such knowledge explosion has placed great demands upon teachers in the public schools to provide an up-to-date instructional program for their students; and

WHEREAS, To meet this demand teachers in the public schools are in great need of in-service training relative to mastery of the subjects they teach; and

WHEREAS, Colleges and universities within the State of California are reaching the limits of their enrollment capabilities in serving their full-time students and therefore have difficulty in enrolling teachers of the public schools on a part-time basis; and

WHEREAS, The several California community colleges are staffed by instructors who are expert in the several academic disciplines and well qualified to provide public school teachers in-service training in subject matter areas; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the boards of trustees of the several California school districts are urged to consider the utilization of community college instruction for the purposes of in-service academic education of public school teachers and for meeting the typical salary schedule advancement requirements as related to college coursework; and be it further

Resolved, That the Board of Governors of California Community Colleges and the boards of trustees of the several local California community college districts are encouraged to initiate and cooperate with public school districts in the utilization of community college instructors for in-service academic education purposes of public school teachers; and be it further

Resolved, That the Board of Governors of the California Community Colleges is requested to report to the Senate and the Assembly as to the progress in utilizing community college instructors for in-service academic education of public school teachers by not later than July 1, 1971; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Board of Governors of the California Community Colleges and to the California School Boards Association, with the request that they transmit such information to the several community colleges and public school districts of the state.

RESOLUTION CHAPTER 228

Senate Concurrent Resolution No. 87—Relative to commercial motor vehicles.

[Filed with Secretary of State August 27, 1970]

WHEREAS, Senate Concurrent Resolution No. 86, adopted at the 1969 Regular Session of the Legislature (Res. Ch. 351), recognized the need of an overall review of the commercial vehicle population in California; and

WHEREAS, This study was directed to the California Department of Motor Vehicles, and such department was requested to conduct such a study on a variety of problems in this field, including, but not limited to:

(1) Review of methods needed to obtain compliance with proposed federal standards requiring vehicle records to show gross vehicle weight;

(2) Up-to-date information on use of California highways by commercial vehicles;

(3) Current information relating to vehicle registration, licensing, identification and fee payment requirements;

(4) Review of problems arising from various methods of licensing pickup truck type vehicles;

(5) Review of information and current data needed concerning the movement of intrastate and interstate commercial vehicles on the highways and streets of California; and

WHEREAS, The Department of Motor Vehicles has enlisted the technical assistance of the University of California, Institute of Transportation and Traffic Engineering, in the planning and execution of the study required by such resolution; and

WHEREAS, The department has enlisted the advisory help of many groups involved in commercial vehicle operations and has received invaluable assistance from these groups; and

WHEREAS, The complexity and scope of this study is so extensive and the province of cogent results appears so great; and

WHEREAS, The reporting date of June 30, 1970, does not permit time to carry on this study adequately in the detail required; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Department of Motor Vehicles shall report its findings with respect to the study required by Senate Concurrent Resolution No. 86 (Res. Ch. 351) of the 1969 Regular Session not later than September 30, 1971; 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 229

Senate Concurrent Resolution No. 89—Relative to the Dumbarton Bridge.

[Filed with Secretary of State August 27, 1970.]

WHEREAS, The Dumbarton Bridge, opened on January 15, 1927, was the first highway bridge to span San Francisco Bay; and

WHEREAS, With a length of 34,416 feet, it was the longest highway bridge in the world at the time of its dedication; and

WHEREAS, By providing a more direct access between Alameda County and the peninsula, saving motorists 15½ miles of travel between these two points, the bridge played a significant role in the economic development of this part of the San Francisco Bay area; and

WHEREAS, The name "Dumbarton," a county in Scotland, has historical significance in Alameda County since the name was given to the station when the Oakland-Santa Cruz line was built in 1876 and in the 1850's, Dumbarton Landing served as a vital marshaling point for the farming and ranching economy of the southern portion of the county; and

WHEREAS, It is only fitting that, in view of the historical significance of the name "Dumbarton" to Alameda County and of the significant role played by the bridge in the economic development of the southern portion of the San Francisco Bay area, the Dumbarton Bridge not be renamed; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the California Toll Bridge Authority is hereby requested not to rename the Dumbarton Bridge; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the California Toll Bridge Authority.

RESOLUTION CHAPTER 230

Senate Concurrent Resolution No. 104—Relative to the Alameda Department of Motor Vehicles office.

[Filed with Secretary of State August 27, 1970.]

WHEREAS, The Alameda office of the Department of Motor Vehicles services an area containing over 80,000 persons; and

WHEREAS, The Alameda area is undergoing a rapid population growth and demands for services from the department's office in Alameda will also be increased; and

WHEREAS, The Department of Motor Vehicles may close this office in 1972; and

WHEREAS, The residents of Alameda, many of them senior citizens, will be forced to travel to adjacent communities to

transact their business with the Department of Motor Vehicles; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Department of Motor Vehicles is requested not to close the Alameda office of the Department of Motor Vehicles; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Director of the Department of Motor Vehicles.

RESOLUTION CHAPTER 231

Senate Concurrent Resolution No. 112—Approving amendments to the Charter of the City of Santa Ana, County of Orange, State of California, ratified by the qualified electors of the city at a special municipal election held therein on the second day of June, 1970.

[Filed with Secretary of State August 27, 1970.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of amendments to the Charter of the City of Santa Ana, 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:

CERTIFICATE OF PROCEEDINGS HAD AND TAKEN IN ADOPTION OF CHARTER AMENDMENTS BY ELECTORS OF THE CITY OF SANTA ANA AT A SPECIAL MUNICIPAL ELECTION CONSOLIDATED WITH THE STATEWIDE ELECTION HELD ON JUNE 2, 1970

State of California
County of Orange
City of Santa Ana (ss)

We, the undersigned, Lorin Griset, Mayor of the City of Santa Ana, and Florence I. Malone, Clerk of the Council of said city, do hereby certify and declare as follows:

That the City of Santa Ana, in the County of Orange, State of California, is now and at all times herein mentioned was a municipal corporation, duly organized and existing under and pursuant to the provisions of a Charter adopted in accordance with the provisions of Article XI, Section 8, of the Constitution of the State of California, by the electors of said city on the 4th day of November, 1952, and was thereafter duly approved by Assembly Concurrent Resolution No. 10 adopted by both the Assembly and the Senate of the State of California on January 8, 1953.

That on the 6th day of April, 1970, the City Council of the City of Santa Ana passed and adopted Resolution 70-35 calling for a Special Municipal Election to be held in the City of Santa Ana, California on June 2, 1970, for the purpose of submitting to the electors of said city a certain proposition

proposing to amend the Charter of the City of Santa Ana by deleting therefrom Article VIII, dealing with the establishment and regulation of the Santa Ana Board of Education, and setting forth the proposition to appear upon the ballot and containing the exact language of the section to be deleted, and the language of the proposition to be placed upon the ballot; requesting the Board of Supervisors of the County to grant permission for and to order consolidation of the Spec al Election called to be held in the City of Santa Ana on June 2, 1970, with the Statewide Election to be held on said date; authorizing the Board of Supervisors of Orange County to canvass the returns of said Special Election with said Statewide Election, further authorizing said Board of Supervisors to form the precincts of the City of Santa Ana to fix the polling places, to appoint the precinct boards and provide for the expenses of said election; that the Election officers serving in said consolidated Election shall receive compensation for their services as fixed by the Board of Supervisors; and that the polls shall be opened from 7 a.m. until 8 p.m.

That on April 18, 1970, Notice of Proposed Amendment to the Charter of the City of Santa Ana was regularly published as required by law and Notice that copies of the section of said Charter proposed to be deleted could be had by application therefor in Room 303, Third Floor, City Hall, 217 North Main Street, Santa Ana, California, was published upon every day beginning April 22nd and ending June 2, 1970; that Resolution 70-35 providing for the holding of said Special Election in consolidation with the Statewide Election was regularly adopted on April 6, 1970, by the City Council of the City of Santa Ana; that all notices required to be published were regularly published in the official newspaper of the City of Santa Ana in the time provided therefor by the laws of the State, the Charter of the City of Santa Ana, and the Constitution of the State of California; and that copies of said proposed amendment and proposition and the argument submitted thereon were duly mailed to all electors in the manner and form required by law;

That the proposition as it appeared upon the ballot at said election held on June 2, 1970, and as voted upon by the electors of the City of Santa Ana reads as follows:

Proposition F

Shall the Charter of the City of Santa Ana be amended to delete Article VIII, dealing with the establishment and regulation of the Santa Ana Board of Education, in order that State code provisions pertaining thereto may control?

YES	
NO	

That the Board of Supervisors of Orange County regularly caused the returns of said Election to be canvassed, and as a

result of said canvass declared that the votes cast on the proposition show the total of all vote cast on the proposition, and the total of said votes for and against each proposition to be, and said totals are, as follows:

	Yes	No	Total
City of Santa Ana Proposition F	12,307	11,743	24,050

and that the proposition passed having received the affirmative vote of a majority of the electors voting thereon.

That said amendment to the Charter of the City of Santa Ana so prepared, proposed, noticed, submitted to, ratified and adopted by the electors of said City at said Special Election held on June 2, 1970, as hereinabove set out, did delete in its entirety Article VIII of the Charter of the City of Santa Ana.

We further declare that the foregoing constitutes a true and correct statement of the proceedings had by the City of Santa Ana and the City Council of said City in the presentation of said amendment to the Charter of the City of Santa Ana and the election held thereon.

In Witness Whereof we have hereunto set our hands and affixed the official seal of the City of Santa Ana, California, on this 3rd day of August, 1970.

(SEAL)

LORIN GRISET
Mayor
FLORENCE I. MALONE
Clerk of the Council

The foregoing instrument is a full, true, and correct copy of the original on file in this office.
Attest: August 12, 1970
Florence I. Malone, Clerk of the Council, City of Santa Ana
FLORENCE I. MALONE
By
Deputy

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 3 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 Santa Ana, County of Orange, 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 Ana, County of Orange.

RESOLUTION CHAPTER 232

Senate Concurrent Resolution No. 72—Relative to state school textbooks.

[Filed with Secretary of State August 28, 1970.]

WHEREAS, The State Printing Plant has accepted printed materials as part of the state school textbook program which did not comply with the specifications of the contract under which the printing was performed; and

WHEREAS, The product accepted by the State Printer did not conform to the standards of work which are required of the Office of State Printing; and

WHEREAS, The Legislative Analyst's report of January 9, 1970, "A Study of the Processes of Textbook Selection, Production and Distribution" states "that most of the textbook titles delivered late in the 1969–70 school year had work subcontracted to private printing firms"; and

WHEREAS, The Office of State Printing has failed to exercise its collection privilege of one thousand dollars per day penalty against private printers for failure to meet contract deadlines for work subcontracted to private industry, with the total of such penalties amounting to $638,000 as of July 29, 1969, and reaching a total of over one million dollars by the end of the 1969 calendar year; and

WHEREAS, This has caused delay in the distribution of textbooks to schools and deprived students of the use of texts during the time that instruction is being given; and

WHEREAS, It has been reported to the Legislature that the Office of State Printing has on occasion not observed and met deadlines for completion of work assigned to that office and that the failure to meet deadlines has caused inconvenience, delay and unnecessary costs to the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature request the State Printer to reject privately printed texts unless they conform to the same quality standards required of the Office of State Printing, and to the contract specification; and be it further

Resolved, That the Office of State Printing exercise its collection privilege of one thousand dollars per day against subcontractors that fail to meet contract deadlines; and be it further

Resolved, That the Office of State Printing observe and meet all agreed-to deadlines relative to printing work assigned to that office; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the State Printer.

RESOLUTION CHAPTER 233

Senate Joint Resolution No. 36—Relative to open hearings.

[Filed with Secretary of State August 28, 1970.]

WHEREAS, The Los Padres National Forest is a valuable land owned and operated by the federal government in the State of California; and

WHEREAS, The U.S. Gypsum Co. has applied for a mineral extraction lease on certain portions of the forest in the Sespe Creek Watershed of Ventura County under terms of the Federal Mineral Leasing Act of 1920 and proposes to excavate approximately 400 acres within a 2,434-acre lease to a depth of 50 to 400 feet and a length of four or more miles for open-pit mining of phosphate compounds; and

WHEREAS, There is much public concern that the proposed mining operation and associated roads, processing plants and other facilities may adversely affect the environment, water purity, air quality, and wildlife and recreation use of the forest; 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 and the Secretary of the Interior to order the Bureau of Land Management to hold public hearings into the matter of the proposed lease for open-pit mining by the U.S. Gypsum Co. in the Sespe Creek Watershed of the Los Padres National Forest; 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 234

Assembly Joint Resolution No. 32—Relative to bilingual education programs.

[Filed with Secretary of State August 28, 1970]

WHEREAS, Under the Bilingual Education Act (Public Law 89-10, Title VII of the Elementary and Secondary Education Act of 1965, as amended) grants of federal funds are made to local educational agencies to assist in the development and operation of programs for bilingual education of children who are from homes where English is not the native language; and

WHEREAS, California is one of the leading states participating in this vitally important area of education and a number

of its school districts propose to establish and conduct bilingual education programs which are in urgent need of federal assistance; and

WHEREAS, Although twenty-five million dollars in federal funds have been appropriated by Congress for the fiscal year 1969–1970 for expenditure by the Department of Health, Education, and Welfare to assist approved state programs under the Bilingual Education Act, the President has been authorized by Congress to reduce that amount by up to 15 percent; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President to utilize the full amount appropriated by Congress for the fiscal year 1969–1970 for bilingual education program grants; 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 235

Assembly Joint Resolution No. 38—Relative to the effect of certain federal programs on the environment.

[Filed with Secretary of State August 28, 1970]

WHEREAS, The maintenance of a quality environment is of concern to California's citizens and its leaders; and

WHEREAS, Certain developments resulting from federal government activities have caused significant damage to California's environment; and

WHEREAS, Such environmental degradation has resulted because of failure to sufficiently consider the long-term impact of public works projects on the environment; and

WHEREAS, Many of these activities have caused irreversible losses to California's citizens; and

WHEREAS, The Assembly Select Committee on Environmental Quality has recommended legislation to require the preparation of environmental impact reports by governmental agencies on their proposed programs which could have a significant effect on the environment; and

WHEREAS, The National Environmental Policy Act of 1969 (Pub.L., 91-190) requires the preparation of environmental impact reports by federal agencies on proposed programs which could have a significant effect on the environment; and

WHEREAS, The following federal programs have evoked widespread concern that they will cause significant environmental damage: federal oil leases in the Santa Barbara Channel by the United States Department of the Interior, chan-

nelization of the lower Colorado River by the United States Bureau of Reclamation, and the Dos Rios Project by the United States Corps of Engineers; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President of the United States to direct the responsible federal officials to make environmental impact reports on these programs, as required by the National Environmental Policy Act of 1969, and to submit these to the California Legislature; and be it further

Resolved, That the Legislature respectfully memorializes the President of the United States to direct responsible federal officials to take no further action which could have a significant environmental effect prior to the submission of such impact reports; 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 Chairman of the Federal Council on Environmental Quality, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 236

Assembly Joint Resolution No. 44—Relative to poison prevention.

[Filed with Secretary of State August 28, 1970]

WHEREAS, There are about 1,000,000 people accidentally poisoned in the United States every year and their numbers are increasing at an alarming rate; and

WHEREAS, It is estimated that of all accidental poisonings between 60 and 85 percent involve children from ages one through four; and

WHEREAS, There are over 250,000 poisonous products in common household use including: patent and prescription drugs; kitchen products such as bleaches and cleansers; petroleum and petroleum derivatives; cosmetics; beverages and many aerosols; and

WHEREAS, This problem of the presence of toxic or poisonous substances in our households is expanding in direct proportion to improved technology, population growth and other changes in environmental conditions; for instance, we presently ingest about 40 tons of aspirin and aspirin-related products in this country every day and by 1973 this figure will double; also many new drugs such as those in the "tranquilizer family" are developing widespread usage as they gain acceptance and the pressures of our society increase in intensity; and also most dangerous are many of the new "miracle" cleansers which are often toxic, poisonous, or both toxic and

poisonous; and every one of these bottles, jars, and cans is able to be opened, usually quite easily, by small children; and

WHEREAS, The tragedy and grief felt by families who have had loved ones killed or crippled by accidental poisoning should be evidence enough that this problem has reached disaster proportions and that a national effort should be mobilized to make safety closures a legal requirement on all toxic or poisonous products; 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 appropriate legislation requiring adequate safety closures on all household products which are toxic or poisonous, or both toxic and poisonous, that are sold in interstate commerce; 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 237

Assembly Joint Resolution No. 56—Relative to federal earned income exemption for welfare families.

[Filed with Secretary of State August 28, 1970.]

WHEREAS, The program of Aid to Families with Dependent Children (AFDC) was initiated to assist the truly needy; and

WHEREAS, In recent years changes in federal law and regulations have resulted in requiring states to grant aid under the AFDC program to persons and families who by ordinary standards cannot be fairly deemed needy; and

WHEREAS, A significant cause of the granting of AFDC aid to the nonneedy is the federally mandated "earned income exemption" which, although conceived for the purpose of stimulating recipients to work their way off welfare rolls has in many instances missed its goal by permitting continued subsidization of welfare recipients far past the point at which their earned incomes exceed ordinary welfare standards; and

WHEREAS, Extreme examples of this situation such as that in which a California welfare recipient was found to be enjoying an income in excess of $1,000 per month, including welfare supplementations, have come to the attention of the Legislature; and

WHEREAS, The President's proposed Family Assistance Plan does not offer in its present form a full resolution of the problem of inequities in public income supplementation of the "working poor" as compared with supplementation of welfare recipients; 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 reexamine with utmost care the issues raised in this resolution, and to consider further amendments to the Family Assistance Plan which will modify the principle of earned income exemptions for families otherwise qualifying for welfare supplementation so that such supplementation will not elevate the total gross income of such families beyond the income levels at which supplementation of working poor families is proposed to be discontinued; and be it further

Resolved, That, in the event that the Family Assistance Plan is not enacted at this time, the President and the Congress of the United States enact legislation amending Section 402 (a)(7)(A)(ii) of the Social Security Act to permit states to impose upper limits on the amount of earned income exemptions allowed working AFDC recipients; 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 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 238

Assembly Joint Resolution No. 61—Relative to food stamps.

[Filed with Secretary of State August 28, 1970]

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President, Congress, and the United States Secretary of Agriculture to change such laws and regulations as are necessary to require as a condition of eligibility for participation in the food stamp program, under the federal Food Stamp Act of 1964, that every employable member of an eligible household be currently registered with the public employment office in the state; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of Agriculture, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 239

Assembly Joint Resolution No. 68—Relative to geothermal power source.

[Filed with Secretary of State August 28, 1970.]

WHEREAS, Substantial geothermal power resources in the form of underground deposits of hot water and steam underlie much of the southwestern United States, especially parts of Riverside and Imperial Counties in California; and

WHEREAS, Preliminary research indicates that development of these resources would have a major beneficial economic impact on the entire Southwest; and

WHEREAS, The University of California has already expended substantial amounts of money, time, and effort in exploring the potential of these geothermal fields, and has developed highly encouraging data; and

WHEREAS, The development of these geothermal fields would result in massive supplies of pollution-free power and water; and

WHEREAS, Such development depends on intricate cooperation between federal, state, and private interests; and

WHEREAS, The Mexican government, through intensive research and development in the past several years will begin supplying electric power from these same geothermal fields in 1971; 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 immediately to facilitate research necessary to allow maximum public and private development of the geothermal power sources underlying Imperial and Riverside Counties in California and surrounding, related areas; and be it further

Resolved, That the Legislature respectfully memorializes the President, Congress, and the various branches of the federal government to coordinate immediate financial assistance in the form of grants, or other appropriate methods, to assist public and private research projects, including demonstration drilling and power development programs where desirable on both public and private 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 each Senator and Representative from California in the Congress of the United States, to the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Commerce.

RESOLUTION CHAPTER 240

Assembly Concurrent Resolution No. 55—Relative to peace officer standards and training.

[Filed with Secretary of State August 28, 1970.]

WHEREAS, The Commission on Peace Officer Standards and Training has the duty and authority to develop and implement programs to increase the effectiveness of law enforcement and to adopt rules establishing minimum standards relating to physical, mental and moral fitness, which govern the recruitment of city police officers or peace officer members of a county sheriff's office as well as the duty and authority to adopt rules establishing minimum standards for training of such officers in any city, county, or city and county which seeks aid from the Peace Officers Training Fund in the State Treasury; and

WHEREAS, The definition of "peace officers" in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code includes such persons as University of California police and state college police and such persons have authority to make arrests and carry and use firearms when acting to prevent crime or apprehend suspects within their delegated jurisdictions; and

WHEREAS, Many of these persons have neither the background, education, experience nor training to qualify as peace officers under the standards promulgated by the Commission on Peace Officer Standards and Training; and

WHEREAS, The definition of "peace officers" also includes a variety of specialized law enforcement officers such as reserve policemen, parole and probation officers, food and drug inspectors, arson investigators, fire marshals, racetrack investigators, foresters, fish and game wardens, and others, all of whom have the power of arrest and may carry weapons; and

WHEREAS, Many of these "peace officers" are not subject to the standards for recruitment and training established by the Commission on Peace Officer Standards and Training; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Commission on Peace Officer Standards and Training is requested to enter into a contract to conduct a study for the purpose of recommending minimum standards for the selection and training of all categories of peace officers defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code and the means of implementing and maintaining such standards as may be deemed appropriate; and be it further

Resolved, That the results of the study be reported to the Legislature not later than the 60th day of the 1971 Regular Session of the Legislature.

RESOLUTION CHAPTER 241

Assembly Concurrent Resolution No. 90—Relative to trailer coaches.

[Filed with Secretary of State August 28, 1970]

WHEREAS, The Department of Motor Vehicles is charged with the collection of in-lieu taxes paid by owners of trailer coaches; and

WHEREAS, Such tax money is then returned by the State of California to the county auditors; and

WHEREAS, The county auditors must further distribute such in-lieu tax money to the county, cities, and school districts pursuant to the provisions of the Revenue and Taxation Code; and

WHEREAS, Distribution can be properly implemented only if the exact situs of the trailer coach is known; and

WHEREAS, The department can require notification by trailer coach owners of the situs of such trailer coaches; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Department of Motor Vehicles is hereby requested to implement administrative processes which will effect accurate reporting of the situs of trailer coaches by the owners on an annual basis; 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 242

Assembly Concurrent Resolution No. 167—Relative to the Senior Reserve Officers' Training Corps.

[Filed with Secretary of State August 28, 1970.]

WHEREAS, The Morrill Act (Act of July 2, 1862), which provided land grant aid to the various states for the establishment of colleges to teach branches of learning related to agriculture and mechanic arts, required that courses in military tactics be included in the curriculum of these colleges, and, since 1862, various colleges and universities have offered courses to their students in the art of military science; and

WHEREAS, Today, the armed forces of the nation have units of the Senior Reserve Officers' Training Corps at leading colleges and universities for the purpose of providing training which leads to a commission as an officer in one of the services, and many young men who have received their military training in their undergraduate years as members of these units have meritoriously served their country with distinction in numerous wars; and

WHEREAS, Serving as the backbone of our national defense, the citizen-soldier is the mainstay of our armed forces, and recent events have shown the vital need to maintain a military force based upon citizen-soldiers who have been trained in programs such as the one offered by the Senior Reserve Officers' Training Corps; and

WHEREAS, Due to the limited capacity of the military academies and officer candidate schools of the services, the continuance of Senior Reserve Officers' Training Corps programs which are elective and accredited is necessary to provide young men with the training needed to fulfill their military obligation as a commissioned officer and pursue a career in military service; and

WHEREAS, Recognizing the need of providing training for young men who desire to serve their country as a member of the armed forces, the University of California has units of the Senior Reserve Officers' Training Corps on the Berkeley, Los Angeles, Santa Barbara, and Davis campuses and the California State Colleges have units at several campuses, among which are Fresno, San Diego, San Francisco, San Jose, and San Luis Obispo, and over 1,100 young men presently train in these units; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature requests that the Regents of the University of California and the Trustees of the California State Colleges maintain the Senior Reserve Officers' Training Corps programs at the University of California and the California State Colleges on an elective and accredited basis and encourage and bolster these programs so that the young men of this state who desire to serve their nation as a member of the armed forces may continue to voluntarily receive training in military science; and be it further

Resolved, That the Chief Clerk of the Assembly transmit suitably prepared copies of this resolution to the Regents of the University of California, the President of the University of California, the Trustees of the California State Colleges, and the Chancellor of the California State Colleges.

RESOLUTION CHAPTER 243

Assembly Concurrent Resolution No. 173—Relative to employment counseling services.

[Filed with Secretary of State August 28, 1970.]

WHEREAS, Modern technology erodes today's knowledge, skills, and expertise at a rapid rate; and

WHEREAS, There are increasing numbers of adult men who find there is no longer a market for their services in fields in which they have long worked; and

WHEREAS, Adult women who lose their husbands through death or divorce are usually confronted with responsibilities for which they are unprepared; and

WHEREAS, Many returning Vietnam veterans must make new choices about jobs, training, and education; and

WHEREAS, Mature women returning to education or the workforce after their children are grown often find their earlier training and skills outdated; and

WHEREAS, Adult citizens facing such circumstances need counseling services which include testing, information, guidance, and placement assistance or referral to placement services; and

WHEREAS, Studies of the Advisory Commission on the Status of Women establish the fact that such counseling services are almost nonexistent; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That local school and community college districts be urged to reexamine their priorities of use of community services tax and adult education funds, and give high priority to the utilization of such funds for counseling services and classes for adult community residents who need them; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Superintendent of Public Instruction and the Board of Governors of the California Community Colleges for distribution to local school and community college districts.

RESOLUTION CHAPTER 244

Assembly Concurrent Resolution No. 180—Relative to specialized business education programs.

[Filed with Secretary of State August 28, 1970.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Trustees of the California State Colleges are hereby requested to provide for the modification of their existing educational programs to include a specialized business education program for students, combining formal education and actual work experience, sponsored by the business community of this state, and providing an exposure to business and an opportunity for careers in business; and be it further

Resolved, That the specialized business education program shall be open to any person who is a candidate for a baccalaureate degree with a major in the field of business administration, or a related field as determined by the Trustees of the California State Colleges; and be it further

Resolved, That any state college may submit to the Trustees of the California State Colleges for approval a plan for a specialized business education program, which plan shall in-

clude provisions for active participation by the business community, to the end that participants in the program will receive a broad exposure to, and actual work experience in, the business field; 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 245

Assembly Concurrent Resolution No. 201—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 special municipal election held therein on the second day of June, 1970.

[Filed with Secretary of State August 28, 1970.]

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 vice-president of the city council 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, Fred Jensen, Vice-President of the Council of the City of San Rafael, and Marion A. Grady, 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 special municipal election duly and regularly called and held in said City on the 2nd day of June, 1970, said Charter Amendments being hereinafter set forth in full.

That on the 9th day of April, 1970, said City Council caused said Charter Amendments to be duly and regularly published

and advertised in each and every edition of said 9th day of April, 1970, in the Independent Journal, the official newspaper of said City, printed, published and circulated in said City.

That said special municipal election was duly and regularly held in said City on the date fixed by said Council, to-wit, June 2, 1970, 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 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:

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 City Treasurer, a City Assessor, a City Tax and License Collector."

Section 11 of Article VI was amended to read as follows:

"Section 11. Appointive Officers. The Council shall appoint a Chief of Police, a City Engineer, a Superintendent of Streets, 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 20th day of July, 1970.

(SEAL)

FRED JENSEN
Vice-President of the Council of the City of San Rafael
MARION A. GRADY
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 3 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 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 246

Assembly Joint Resolution No. 59—Relative to private enterprise.

[Filed with Secretary of State August 28, 1970.]

WHEREAS, The government of the United States is increasingly engaging in business, professional, commercial, financial, and industrial enterprises in competition with the private sector of our economy; and

WHEREAS, While the services and goods provided by many of such enterprises are necessary, the competition by the government with private enterprise in these endeavors threatens the basis of our economic system; 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 take steps wherever practical and feasible to remove the government of the United States from activities which are competitive with private enterprise and which private enterprise is capable of performing without governmental support; 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 247

Assembly Concurrent Resolution No. 162—Relative to the display of the Great Seal of the State of California.

[Filed with Secretary of State August 28, 1970.]

WHEREAS, The display of a replica of the Great Seal of the State of California by various public bodies or associations is

eminently suitable and desirable in those instances where the State of California should be represented in some manner; and

WHEREAS, There is currently no provision for such displays; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Joint Rules Committee provide for a replica of the Great Seal of the State of California in a form suitable for mounting; and be it further

Resolved, That the Joint Rules Committee make available the replica so provided for display under appropriate circumstances by various public bodies or associations when the committee deems it suitable and desirable that such display be made.

RESOLUTION CHAPTER 248

Assembly Concurrent Resolution No. 151—Relative to space utilization standards.

[Filed with Secretary of State August 31, 1970.]

WHEREAS, Space utilization standards for lecture and seminar classrooms for all segments of public higher education have not been updated since 1966; and

WHEREAS, The space utilization standards adopted in 1966 were based upon data gathered in 1963; and

WHEREAS, Current and reasonable standards are necessary in the equitable apportionment of state funds for capital outlay purposes; and

WHEREAS, The defeat of Proposition No. 3 in 1968 has contributed to the critical shortage of funds for construction of higher education facilities; and

WHEREAS, Qualified students are being denied admission to institutions of higher education where adequate space is available; and

WHEREAS, Independent analyses by the Department of Finance, Legislative Analyst, Auditor General, and Assembly Ways and Means Committee have concluded that increased space utilization standards are desirable and feasible; and

WHEREAS, The Legislative Analyst has specifically recommended that the existing standard for classroom utilization be increased from 34 to 53 hours per week; and

WHEREAS, The Legislative Analyst recommends retention of the existing station occupancy rate of 66 percent; and

WHEREAS, The fact that the combined room utilization and occupancy standards recommended by the Legislative Analyst are already being exceeded at Long Beach and Fullerton State Colleges demonstrates that such standards are feasible; and

WHEREAS, The Legislature, in the supplemental report accompanying the Budget Act, has mandated the submission of reports by November 1, 1969, showing how each segment can implement such standards; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the existing space utilization standards for lecture and seminar classrooms for all segments of public higher education be changed in accordance with the recommendations of the Legislative Analyst; and be it further

Resolved, That these standards shall be used by the segments of public higher education, the Coordinating Council, the Department of Finance, and the Legislative Analyst as criteria in the review and recommendation of capital outlay expenditure requests to the Legislature; and be it further

Resolved, That the staff of the Coordinating Council for Higher Education is directed to conduct a comprehensive evaluation of these new standards, in conjunction with the space utilization report required by the 1969 Budget Conference Committee, and to report their findings and recommendations to the Legislature by January 1971; and be it further

Resolved, That this report shall include a review and recommendations on the existing space utilization standards for laboratory classrooms; and be it further

Resolved, That this report shall also include a review of the classroom utilization experience at Long Beach State College and Fullerton State College to determine what effect the comparatively high utilization has had on the educational process at these campuses; and be it further

Resolved, That in recognition of the different situation of the small community college, the utilization standards be amended as follows, when applied to small community colleges:

Weekly student contact hours	Additional allowances
Less than 15,000	20 percent
15,001–20,000	15 percent
20,001–25,000	10 percent
25,001–30,000	5 percent
Over 30,000	0 percent

; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Director of the Coordinating Council for Higher Education, the Director of Finance, and the Legislative Analyst.

RESOLUTION CHAPTER 249

Assembly Concurrent Resolution No. 165—Relative to noise pollution.

[Filed with Secretary of State August 31, 1970.]

WHEREAS, The Legislature hereby finds and declares that there is an increasing and continuous bombardment of noise

in the urban environment, and that the wilderness areas of our state are being affected by the irritating and the harmful effects of noise also; and

WHEREAS, The great advances in technology have not brought an equally great reduction in the noise level of motor vehicles, aircraft, industrial equipment, or home appliances; and

WHEREAS, Studies indicate that some of the blame for the disorientation and frustration of today's urban life can be placed on the high noise levels that act as subliminal irritants, and, in addition to these mental symptoms, definite and measurable hearing loss has been found among those who work or play under noisy conditions; and

WHEREAS, In recognition of these declarations and findings and of the need for planning and regulation of the proliferation of noise a study should be undertaken of the subject of noise; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the State Department of Public Health is requested to prepare a report to the Legislature on the subject of noise, including the noise from industrial equipment, construction, motor vehicles, boats, aircraft, home appliances, electric motors, combustion engines and any other noise-producing objects, identifying the sources of noise pollution and recommending means of controlling the harmful effects of noise, including recommending standards of noise level emissions; and be it further

Resolved, That the department appoint an advisory committee consisting of representatives of public and private groups which have knowledge and interest in the subject matter, including representatives of those private industrial concerns which may be affected by the study, to assist in the study; and be it further

Resolved, That the department report its findings and recommendations to the Assembly not later than the fifth calendar 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 State Director of Public Health.

RESOLUTION CHAPTER 250

Assembly Concurrent Resolution No. 178— Relative to fishing.

[Filed with Secretary of State August 31, 1970.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members request the Department of Fish and Game to make a progress report of its studies, including its recommendations, on the problem of keep-

ing sufficient forage and a balanced ecology in artificial reservoirs necessary to provide good fishing and to find ways to insure continued good fishing, rather than great fishing in the first few years and thereafter requiring planting of fish to have good fishing in such reservoirs; and be it further

Resolved, That the Department of Fish and Game report its findings and recommendations to the Legislature not later than 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 Fish and Game.

RESOLUTION CHAPTER 251

Senate Concurrent Resolution No. 113—Relative to joint committees.

[Filed with Secretary of State August 31, 1970.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the following joint committees are continued in existence until October 1, 1970, each with all of the powers specified in the resolution that created it:

(1) Joint Committee on Atomic Development and Space;

(2) Joint Committee on Educational Goals and Evaluation;

(3) Joint Committee on Higher Education;

(4) Joint Committee on Teacher Licensing and Public School Employment.

RESOLUTION CHAPTER 252

Assembly Concurrent Resolution No. 48—Relative to the California State Colleges.

[Filed with Secretary of State September 1, 1970.]

WHEREAS, The expansion of knowledge in all fields necessitates a continuing education to be apprised of all new developments relevant to particular professions; and

WHEREAS, There is a continuing need in the State of California for an increased number of professionally trained social workers; and

WHEREAS, The master of social work degree is recognized by the social work profession as the appropriate professional degree; and

WHEREAS, Graduate degree programs in the California State Colleges generally limit the amount of credit in part-time or extension courses that may be applied toward the master's degree to six semester units; and

WHEREAS, The shortage of professionally trained social work personnel could be in part alleviated by allowing a larger amount of part-time or extension credit to count toward the

requirements for the two-year master of social work degree; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Board of Trustees of the California State Colleges extend the number of semester or quarter units that may be taken in part-time or extension courses to meet the requirements of the master of social work degree; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Board of Trustees of the California State Colleges.

RESOLUTION CHAPTER 253

Assembly Concurrent Resolution No. 59—Relating to the University of California.

[Filed with Secretary of State September 1, 1970]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members urge the Regents of the University of California to create a Regents Committee on Student Affairs as a regularly constituted advisory body to the regents, with one-half of the members of such committee selected from the regents and one-half of the members selected from the student body; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Regents of the University of California.

RESOLUTION CHAPTER 254

Assembly Concurrent Resolution No. 132—Relative to the effect of certain state programs on the environment.

[Filed with Secretary of State September 1, 1970.]

WHEREAS, The maintenance of a quality environment is of concern to California's citizens and its leaders; and

WHEREAS, Certain developments resulting from state government activities have caused significant damage to California's environment; and

WHEREAS, Such environmental degradation has resulted because of failure to sufficiently consider the long-term impact of public works projects on the environment; and

WHEREAS, Many of these activities have caused irreversible losses to California's citizens; and

WHEREAS, The Assembly Select Committee on Environmental Quality has recommended legislation to require the preparation of environmental impact reports by governmental agencies on their proposed programs which could have a significant effect on the environment; and

WHEREAS, The following proposed projects involving state government have evoked widespread concern that they may result in significant environmental change: the construction of a freeway over Goleta Slough in Santa Barbara County by the Division of Highways and the Tijuana River estuary development requiring a State Lands Commission permit; and

WHEREAS, The timing of these projects may affect the implementation of the orderly planning process recommended by the Assembly Select Committee on Environmental Quality for future projects; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the responsible state agency for each of these proposed projects is requested to submit to the Legislature, as soon as possible, an environmental impact report which includes the following:

(a) The environmental impact of the proposed action.

(b) Any adverse environmental effects which cannot be avoided if the proposal is implemented.

(c) Mitigation measures proposed to minimize the impact.

(d) Alternatives to the proposed action.

(e) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity.

(f) Any irreversible environmental changes which would be involved in the proposed action should be implemented; and be it further

Resolved, That such state agencies are requested to submit an environmental impact report to the Legislature prior to the commencement of the 1971 Regular Session of the Legislature; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Governor, to the Chairman of the State Lands Commission, to the Secretary of the Resources Agency, to the Secretary of the Business and Transportation Agency, and to the Director of Public Works.

RESOLUTION CHAPTER 255

Assembly Concurrent Resolution No. 189—Relative to Medi-Cal fiscal intermediary for pharmacists.

[Filed with Secretary of State September 1, 1970.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Department of Health Care Services is requested to conduct immediately a study of the feasibility of establishing under Medi-Cal a separate fiscal intermediary for the payment and processing of pharmacists' bills and to report its findings and recommendations to the Legislature no later than 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 Department of Health Care Services.

RESOLUTION CHAPTER 256

Assembly Concurrent Resolution No. 172—Relative to Seaside Avenue on Terminal Island.

[Filed with Secretary of State September 1, 1970.]

WHEREAS, The Harbor Freeway was recently extended to the western terminus of the Vincent Thomas Bridge; and

WHEREAS, Seaside Avenue between Ford Avenue and the bridge serves as the easterly approach thereto and is inadequate to serve the needs of existing traffic; and

WHEREAS, The traffic volume on this portion of Seaside Avenue will continue to increase due to the continuous expansion of the Los Angeles Harbor and the Long Beach Harbor, the two busiest harbors in the state; and

WHEREAS, The opening of the Queen Mary as a maritime museum and convention center in Long Beach Harbor will also substantially increase the traffic on this portion of Seaside Avenue; and

WHEREAS, The construction of Seaside Avenue from the eastern terminus of the bridge to Ford Avenue to a minimum of a four-lane divided facility will provide the motoring public with a safe connection between the bridge and the Terminal Island Freeway; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members hereby request the California Highway Commission, the California Toll Bridge Authority, the Department of Public Works, the City of Los Angeles, and the City of Long Beach to confer and, taking into account the effects on the future Route 47 Freeway, undertake as rapidly as possible an interim improvement of Seaside Avenue from the eastern terminus of the Vincent Thomas Bridge to Ford Avenue to standards adequate to serve not only existing traffic but also the increase which can reasonably be anticipated from the opening of the Queen Mary as a maritime museum and convention center and, if possible, to finance all or a portion of the cost of the work from funds in the Vincent Thomas Bridge Construction Fund created in the State Treasury by the resolution adopted by the California Toll Bridge Authority on December 19, 1967, authorizing the issuance of Vincent Thomas Toll Bridge Revenue Bonds; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the California Highway Commission, the California Toll Bridge Authority, the Director of Public Works, the City of Los Angeles, and the City of Long Beach.

RESOLUTION CHAPTER 257

Assembly Concurrent Resolution No. 184—Relative to prescription drug products under Medi-Cal.

[Filed with Secretary of State September 1, 1970.]

WHEREAS, The California Legislature in 1968 added Sections 14053.5 and 14053.6 to the Welfare and Institutions Code (Stats. 1968, Ch. 1237) which prohibit differential pricing to Medi-Cal Program providers by pharmaceutical manufacturers for drugs provided to Medi-Cal recipients; and

WHEREAS, The object of this legislation was to assure that drugs necessary for the care and treatment of Medi-Cal recipients could be purchased by the state at the lowest costs consistent with fairness to manufacturers, distributors and providers, thereby exerting beneficial cost influences upon the program generally; and

WHEREAS, This legislation now has been in effect for two years, thereby providing a basis for an assessment of its usefulness in the achievement of its stated objectives; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature hereby requests the Legislative Analyst to conduct a review of the wholesale and retail pricing and marketing patterns and practices for prescription drug products in California since the effective date of this legislation, thereby to ascertain whether or not its enactment has exerted beneficial influences upon the costs of medicines provided to Medi-Cal recipients, and to ascertain whether or not this legislation has exerted unexpected influences upon the costs and wholesale and retail prices of prescription drug products to the public generally, both in pharmacies and in hospitals; and be it further

Resolved, That the Legislative Analyst report his findings and recommendations to the Assembly not later than the fifth calendar day of the 1971 Regular Session; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Legislative Analyst.

RESOLUTION CHAPTER 258

Assembly Concurrent Resolution No. 188—Relative to the Ellis Wayside Vista Point.

[Filed with Secretary of State September 1, 1970.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the rest stop and vista point on State Highway Route 8 east of Alpine is hereby officially designated and named the Ellis Wayside Vista Point; 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 rest stop and vista point upon its construction, 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 259

Assembly Concurrent Resolution No. 191—Relative to probation programs.

[Filed with Secretary of State September 1, 1970.]

WHEREAS, The state, recognizing the benefits and savings which could be achieved from expanding and improving probation programs and services in lieu of committing persons to state penal institutions, established a special probation subsidy program with counties; and

WHEREAS, The rate of payment to counties was based upon the average career cost of a Youth Authority ward without parole revocation as the state's savings for each person placed on probation in lieu of commitment to a state prison; and

WHEREAS, The state has saved millions of dollars in new state prison costs and support costs as the result of the counties increasing their probation programs; and

WHEREAS, The rate of payment to the counties is not required to be readjusted regularly and such payment has not been adjusted since enactment of the program in 1965; and

WHEREAS, Readjustment of the payment to conform to increased career costs reflecting the value of state savings would require an approximate 53 percent increase in such rate of payment; and

WHEREAS, It is recognized that county probation costs have increased since the inception of the program and a more appropriate basis for compensation of counties would appear to be an adjustment in payment rate reflecting such increased probation costs rather than the present statutory basis of imputed savings to the state as determined by Youth Authority career costs; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Department of Finance, the Department of Corrections, and the Department of the Youth Authority are requested to review the cost increases to county probation programs since 1965 and to report such costs to the Joint Legislative Budget Committee and Legislative Analyst not later than February 1, 1971, and to propose a cost reporting system such that the formula for state payments to counties for the special probation programs can be adjusted annually to reflect such program cost increases; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Department of Finance, the Department of Corrections, and the Department of the Youth Authority.

RESOLUTION CHAPTER 260

Assembly Concurrent Resolution No. 195—
Relative to nurse training.

[Filed with Secretary of State September 1, 1970.]

WHEREAS, The State of California has an interest in the training and licensing of a sufficient number of nurses to meet the health care needs of the people of this state; and

WHEREAS, There exists a shortage of nurses aides, vocational nurses and, particularly, nurses in registered nursing fields; and

WHEREAS, The several types of nursing training programs in the state have developed independently of one another in such a way that course content, sequence of courses and certificate and degree programs cause great difficulty to students in transferring from one training program to another and from one institution to another; and

WHEREAS, Greater coordination of curriculum and articulation of courses between institutions would provide an opportunity to students and practitioners for greater mobility between nursing fields and will serve as an incentive for increasing the supply of trained nurses at all levels; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Department of Public Health, in cooperation with the Coordinating Council for Higher Education, is directed to determine what levels and combinations of skills are needed to provide health care services in the nursing professions and make that information available to the Coordinating Council for Higher Education and to the Legislature on or before December 1, 1970; and be it further

Resolved, That the Coordinating Council for Higher Education, in cooperation with the segments of higher education engaged in nursing training programs and the Department of Public Health, be directed to prepare a study of nursing training in California and recommend to the Governor and the Legislature:

(1) Categories of nursing training programs which are needed in the total health care delivery system to most effectively provide the nursing health services demanded by health service users in California;

(2) The institutions which should be responsible for nursing training at each level recommended;

(3) The extent to which articulation and coordination of courses between programs and institutions is desirable in order to maintain nursing standards and assure an adequate supply of trained nurses at all levels;

(4) Any other proposals for improving nursing training programs as the Coordinating Council for Higher Education may determine in the course of its study; and be it further

Resolved, That the Coordinating Council for Higher Education report its findings and recommendations to the Legislature by July 1, 1971.

RESOLUTION CHAPTER 261

Assembly Concurrent Resolution No. 196—Relative to heroin treatment research.

[Filed with Secretary of State September 1, 1970]

WHEREAS, The University of California serves as a central source of information about drug abuse research and treatment projects being conducted in California, with such information being transmitted annually to the Legislature; and

WHEREAS, Recent information indicates an alarming increase in the use of heroin over the past 12 months; and

WHEREAS, Heroin is one of the most debilitating drugs, the use of which is spreading through all strata of society; and

WHEREAS, The highest priority need in drug abuse research today is to improve treatment programs for heroin addicts; and

WHEREAS, The University of California is prepared to undertake an innovative three-year research program featuring two heroin treatment projects, including one focusing on ghetto-based long-term users with a heavy habit, and another focusing on middle-class social dropouts who have recently become addicted; and

WHEREAS, The three-year cost of such a program would be $250,000, $50,000 of which is required for the first year; and

WHEREAS, The California Council on Criminal Justice Narcotics Task Force, pursuant to the Omnibus Crime Control and Safe Streets Act of 1968, is authorized to make grants for such programs; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature urges the California Council on Criminal Justice Narcotics Task Force to assign the highest priority to the University of California's three-year heroin treatment research program, to support it to the maximum extent possible, and especially to make available $50,000, or as much thereof as is feasible, to support the first year of operation of this program; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the California Council on Criminal Justice.

RESOLUTION CHAPTER 262

Assembly Concurrent Resolution No. 200—Relative to health insurance contribution.

[Filed with Secretary of State September 1, 1970.]

WHEREAS, In 1962 the State of California recognized, as had other employers earlier, that payment of a portion of the employee's share of health insurance premiums improves employer-employee relations, decreases costly turnover and sick leave, and builds a greater sense of security and loyalty on the part of the employee; and

WHEREAS, The U.S. Chamber of Commerce has found that 87 percent of all workers in California are covered by plans in which the employer pays the full cost of the employee's coverage; and

WHEREAS, The Governor in his 1970 Budget Message pledged his support to the principle that the state should increase its share of the payment for the employees' health insurance; and

WHEREAS, In signing A.B. 356 which required the state to increase its share of each state employee's health insurance cost, the Governor recognized the state's "continuing commitment to improve the health benefits of the many thousands of state employees, who, day in and day out, serve the people of California with dedication and skill"; and

WHEREAS, Insurance companies already have increased employee health insurance premiums more than the $2 increase in the state's contribution and announced that premiums will double by 1975; and

WHEREAS, Ever since 1962, the University of California has similarly recognized its responsibility with regard to employer contributions to health insurance by increasing its contributions in 1964 and 1968 to conform with state civil service practice; and

WHEREAS, The University of California has not yet increased its share of the cost of health insurance for university employees, despite the continuing increases in the cost of health insurance to state employees, the Governor's pledge, and a history of the university matching increases in the state's contributions to employee health insurance in 1962, 1964 and 1968; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State of California requests the board of regents to utilize funds at its disposal to increase its contribution for health insurance from $8 to $10 for employees of the University of California, and it is the intention of the Legislature to meet the future cost of employer contributions for the university from the General Fund; and be it further

Resolved, That copies of this resolution be transmitted to the Regents of the University of California.

RESOLUTION CHAPTER 263

Senate Concurrent Resolution No. 114—Relative to Independent College Month.

[Filed with Secretary of State September 1, 1970]

WHEREAS, Twenty-one fine 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, University 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 ten million dollars over the past 17 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 October 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 264

Senate Concurrent Resolution No. 115—Relative to Commending Gary W. Thomas.

[Filed with Secretary of State September 1, 1970]

WHEREAS, Assistant District Attorney Gary W. Thomas of San Rafael was taken hostage by two armed San Quentin inmates with their armed accomplice on August 7, 1970, at the Marin County Courthouse; and

WHEREAS, Mr. Thomas halted their attempted escape by capturing a weapon and engaging in a gun battle immediately after the tragic death of Superior Court Judge Harold J. Haley; and

WHEREAS, This extraordinary act of bravery and courage in the face of immeasurable personal danger is credited with saving the lives of three jurors also held as hostages; and

WHEREAS, Mr. Thomas was himself grievously injured; and

WHEREAS, Gary W. Thomas has had a distinguished career with the County of Marin, serving with dedication as a deputy district attorney from July 1, 1962, to July 1, 1969, when he was appointed assistant district attorney and has earned the respect and admiration of his colleagues and many loyal friends; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members hereby commend Gary W. Thomas for his extraordinary courage and selfless act of heroism; and be it further

Resolved, That the members extend to him their most sincere wishes for a speedy recovery from his wounds; and be it further

Resolved, That the Secretary of the Senate transmit a suitably prepared copy of this resolution to Gary W. Thomas.

RESOLUTION CHAPTER 265

Senate Concurrent Resolution No. 116—Relative to Edgar W. Hiestand.

[Filed with Secretary of State September 1, 1970.]

WHEREAS, The members have learned of the death of former California Congressman Edgar W. Hiestand; and

WHEREAS, Born in Chicago, he was graduated from Dartmouth College with an A.B. degree and started "at the bottom," working as a stock clerk, salesman, assistant buyer, buyer, personnel manager, merchandise manager, and general manager in large stores in seven cities; and

WHEREAS, Retiring from Sears, Roebuck and Company in 1949, Mr. Hiestand was elected to Congress in 1952 as U.S.

Representative from the 21st Congressional District of California; and

WHEREAS, During his 10 years in the House of Representatives, "Eck" fought for a strong national defense, for constitutional government, for laws to protect workers from abuse, for control of federal spending, and for restraining inflation while serving on the Banking and Currency Committee, served on the Education and Labor Committee, and on the joint Senate-House Committee on Defense Production; and

WHEREAS, After his stay in the Congress, "Eck" Hiestand continued to devote his time and efforts to public affairs and various patriotic and political affairs, a man dedicated to the preservation of the American way of life, being active in the Sons of the American Revolution, the Americanism Educational League and Rotary International; and

WHEREAS, He has been the director of three chambers of commerce and president of two, director of two better business bureaus, director of two community chests and general chairman of one, and in World War I served as a civilian executive on the Army General Staff in Washington; and

WHEREAS, He leaves his widow Berenice and three daughters, Mrs. Mary McCoy of Pasadena, Mrs. Barbara Bragassa of Laguna Beach, and Mrs. Janet Watts of Altadena; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members express their sorrow on the death of Edgar Hiestand and extend their condolences to his widow and daughters; and be it further

Resolved, That the Secretary of the Senate transmit suitably prepared copies of this resolution to Mrs. Berenice Hiestand, Mrs. Mary McCoy, Mrs. Barbara Bragassa, and Mrs. Janet Watts.

RESOLUTION CHAPTER 266

Assembly Joint Resolution No. 35—Relative to the disposal of environmentally harmful pesticides.

[Filed with Secretary of State September 8, 1970]

WHEREAS, It has been shown that environmentally harmful pesticides have done immeasurable damage to the environment; and

WHEREAS, The United States Department of Agriculture no longer considers certain environmentally harmful pesticides safe enough for home and garden use and has banned many uses of these pesticides; and

WHEREAS, There are large stocks of environmentally harmful pesticides in the hands of home gardeners who have no satisfactory means of disposal; and

WHEREAS, Some of these pesticides are nonbiodegradable and the usual methods of disposal will only increase the environmental damage; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President, Congress, and the United States Secretary of Agriculture to provide a federal program for the safe and efficient disposal of unwanted environmentally harmful pesticides; 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 Agriculture, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 267

Assembly Joint Resolution No. 53—Relative to the creation of a Golden Gate National Recreation Area.

[Filed with Secretary of State September 8, 1970]

WHEREAS, Much of the natural beauty and charm of the San Francisco Bay area is a result of the relatively undeveloped state of federal lands located on both sides of the Golden Gate and in Fort Baker, Fort Barry, Fort Cronkhite, Fort Mason, Fort Miley, Fort Scott, and the San Francisco Presidio; and

WHEREAS, These federal lands provide significant open space areas within the otherwise congested urban San Francisco Bay area; and

WHEREAS, There are numerous projects proposed or planned for these federal lands which individually may not significantly affect the open space character or future public use of such areas but taken together would be disastrous to the public interest in retaining open space lands in urban areas and would set precedents for future development of such lands; and

WHEREAS, Due to expected increases in urban population within the San Francisco Bay area the public need for urban open space lands will significantly increase with the passage of time; and

WHEREAS, It has been proposed that Fort Baker, Fort Barry, Fort Cronkhite, Fort Mason, Fort Miley, Fort Scott, and much of the San Francisco Presidio be included in a Golden Gate National Recreation Area which would retain the natural open-space character of such federal lands; 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 a Golden Gate National Recreation Area, to include those portions of Fort Baker, Fort Barry, Fort Cronkhite, Fort Mason, Fort Miley, Fort Scott, and the Presidio not essential for the national defense; 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 268

Assembly Joint Resolution No. 57—Relative to crime.

[Filed with Secretary of State September 8, 1970.]

WHEREAS, The Omnibus Crime Control and Safe Streets Act of 1968 (P.L. 90-351) provides for grants to states and units of local government to strengthen and improve law enforcement; and

WHEREAS, Applicants have encountered difficulty in securing grants under the program because of the unnecessarily complicated bureaucratic process involved in obtaining such grants; and

WHEREAS, The matching fund requirements of the Omnibus Crime Control and Safe Streets Act of 1968 severely limit the ability of financially hard-pressed urban areas with high crime rates to take advantage of the money available under the program; 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 (1) streamline the bureaucratic process for obtaining grants under the Omnibus Crime Control and Safe Streets Act of 1968, (2) lower the matching fund requirements for obtaining grants under the act, especially in areas with high crime rates, and (3) provide more funding for the act; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, and each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 269

Assembly Concurrent Resolution No. 161—Relative to memorializing Patrick D. McGee.

[Filed with Secretary of State September 8, 1970.]

WHEREAS, The Members of the Assembly sincerely grieve the unfortunate death and inestimable loss of their colleague, Assemblyman Patrick D. McGee; and

WHEREAS, Assemblyman McGee, one of 12 children, was born on a small farm in Osciola, Ontario, Canada; and

WHEREAS, He later moved with his family to Detroit, Michigan, where he attended school until he entered the University of Notre Dame; and

WHEREAS, This patriotic gentleman interrupted his education to join the Royal Canadian Air Force about a year prior to Pearl Harbor; and

WHEREAS, He distinguished himself as a pilot flying many European missions and receiving the British Distinguished Flying Cross for bravery; and

WHEREAS, Mr. McGee also contributed to the United States effort in World War II as a flight instructor for the Navy, achieving the rank of Lieutenant Commander; and

WHEREAS, After the war he completed his education, receiving a bachelor of law degree from the Harvard School of Law and upon graduation, became research attorney for the Los Angeles District Court of Appeal where he served competently until his election to the Assembly in 1950; and

WHEREAS, During his seven years in office he served on a number of important committees, including among them, the Committees on Governmental Efficiency and Economy, Education, the Judiciary, and Public Health; and

WHEREAS, Those seven years were typified by his successful authorship of many important bills which became law; and

WHEREAS, His legislative ability was well-recognized by his colleagues when they elected him chairman of the 31-member Los Angeles delegation in the State Legislature in 1955, to which office he was reelected in 1957; and

WHEREAS, Assemblyman McGee resigned his Assembly office when he was elected to the Los Angeles City Council where he served as chairman of the important Water and Power Committee and as a member of the Committees of Police, Fire and Traffic, Personnel, Civil Defense and Military Affairs; and

WHEREAS, Mr. McGee was again elected to the State Assembly in 1966, and reelected in 1968 where he served, until his untimely death, as Vice Chairman of the Government Organization Committee, as a member of the Judiciary and the Conservation and Wildlife Committees, and as a member of both the Little Hoover Commission and the Commission of the Californias; and

WHEREAS, In addition to his outstanding service as an elected representative of the people of California, he contributed much of his efforts to the organizations to which he belonged, including the American Legion, the Veterans of Foreign Wars, the Benevolent and Protective Order of Elks, the Ancient Order of Hibernians, and the West Valley Y.M.C.A.; and

WHEREAS, Mr. McGee is survived by his son, Thomas D'Arcy McGee, who returned last fall from United States Army service in Vietnam where he received numerous combat decorations; and

WHEREAS, Assemblyman Patrick D. McGee's life has been marked by outstanding service to his community and his state; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature express their deepest sorrow and regret upon the loss of a great and distinguished colleague and a dedicated servant of the people; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to Thomas D'Arcy McGee.

RESOLUTION CHAPTER 270

Assembly Concurrent Resolution No. 177—Relative to World Academy.

[Filed with Secretary of State September 8, 1970]

WHEREAS, It has come to the attention of the members that the World Academy, established for foreign study and travel programs, has left approximately 3,500 American students stranded from Paris to Athens; and

WHEREAS, Through glowing representations, World Academy has induced hundreds of innocent students to pay $1,000 each for this study tour, described as "the best of all summers"; and

WHEREAS, On July 3, 1970, the attorney for World Academy stated that the firm had assets of about $800,000 and debts of $4,000,000; and

WHEREAS, World Academy, up to that time, had been considered capable of meeting any obligation which could arise, assuring the students a worry-free study summer; and

WHEREAS, Now that it has been learned that World Academy is insolvent, American students are left stranded in Paris, Geneva, Rome, Vienna, Cologne, Prague, Athens, and various parts of Yugoslavia, with many of those stranded in Paris having to sleep on floors because the hotelkeepers and others refused to provide accommodations, stating that they have not been paid for the rooms by World Academy; and

WHEREAS, Many California colleges and universities are participating in the program, including California State College at Long Beach; California State Polytechnic College; Golden Gate College; Occidental College; Pomona College; University of California; University of the Pacific; University of Southern California; and University of Redlands; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That such action by World Academy be referred to the consumer fraud section of the office of the California Attorney General for a determination as to the possibility of violations of California law; and be it further

Resolved, That the Attorney General of the State of California is requested to submit to the Legislature any recommendations he may have relating to possible legislation by which difficulties such as those arising from operations of the World Academy can be averted; 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.

RESOLUTION CHAPTER 271

Assembly Concurrent Resolution No. 199—Relative to Soledad Prison.

[Filed with Secretary of State September 8, 1970.]

WHEREAS, During the current calendar year, two correctional officers and four inmates have been killed during incidents of physical violence within Soledad State Prison in Monterey County; and

WHEREAS, These and related events have given rise to serious public concern and apprehension over security, detention and operational conditions at that important state correctional institution; and

WHEREAS, Numerous unofficial reports regarding alleged mistreatment of inmates, deficient physical facilities and unsatisfactory staff working conditions and morale, have been received by the State Legislature and given widespread notoriety by the general news media, thereby increasing the general concern, apprehension and confusion over the true nature of conditions at Soledad State Prison; and

WHEREAS, Section 6028 of the Penal Code of the State of California empowers the State Board of Corrections to initiate, and the Governor to implement, the creation of a special commission for the purpose of studying and reporting upon the entire subject of penology within this state, such as the conditions which currently exist at Soledad State Prison; and

WHEREAS, The State Legislature concludes that recent events and circumstances at Soledad State Prison demand an immediate, comprehensive and impartial investigation and disclosure of pertinent facts necessary to maintain public confidence in the administration of the correctional systems of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That:

1. The State Board of Corrections is hereby urged to immediately request, by authority granted to it under Section 6028 of the Penal Code of the State of California, that the Governor of the State of California create an appropriate citizens commission for the purpose of conducting an immediate, comprehensive and impartial investigation of recent events and relevant conditions at Soledad State Prison; and

2. The Governor, under authorities vested in him by the People of California, is hereby requested to appoint such a commission at the earliest possible date, and to charge such commisssion with full responsibility for the conduct of said investigation; and

3. The commission established pursuant to this resolution be directed to return its full report, along with appropriate recommendations, to the Governor and to the State Legislature at the earliest possible date, but in any event no later than October 1, 1970; and

4. The Governor, in appointing this commission, is urged to include among its membership one retired California trial court judge who has presided over felony criminal cases, one recognized authority in the field of penology or criminology, and one member of the public at large who should have some direct knowledge or experience in the field of institutional corrections work; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the State Board of Corrections and the Governor.

RESOLUTION CHAPTER 272

Senate Concurrent Resolution No. 79—Relating to a study of problems of obtaining experienced employees for state educational agencies.

[Filed with Secretary of State September 8, 1970.]

WHEREAS, The Board of Governors of the California Community Colleges needs persons on the staff of the office of the Chancellor of the California Community Colleges who are experienced in California community college affairs; and

WHEREAS, It has proved difficult to hire persons with this experience because of the limitations imposed by the present civil service law and because of the inability of persons from the community colleges to transfer their retirement and other fringe benefits when they join the office of the chancellor; and

WHEREAS, It is often difficult to employ persons in state educational agencies such as the Department of Education when a transfer of an employee from a school district to the state agency is involved; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislative Analyst is hereby requested to study the following questions in cooperation with the Public Employees' Retirement System, the State Teachers' Retirement System, and the State Personnel Board:

1. May retirement, sick leave, vacation, and medical benefits acquired in a school district or a community college district be transferred into the state system;

2. If the answer to question 1 is "Yes", how is the transfer made and under what provisions;

3. If the answer to question 1 is "No", what modifications should be made in the law to permit the transfer of these benefits;

4. May a new employee in the office of the chancellor be reimbursed for his expenses in moving himself and his dependents to his place of assignment;

5. Under present civil service laws and regulations, in what circumstances may the Chancellor of the California Community Colleges hire persons from a community college or a community college district to work in executive and administrative positions on his staff without using state civil service examinations and lists;

6. What provisions might be added to the state civil service law which would give the chancellor the greatest flexibility in hiring persons from the community colleges to fill executive and administrative positions without violating the basic premises of the civil service laws; and be it further

Resolved, That the Legislative Analyst report his findings and recommendations to the Senate and the Assembly no later than June 30, 1971.

RESOLUTION CHAPTER 273

Senate Concurrent Resolution No. 96—Relative to drivers' licenses.

[Filed with Secretary of State September 8, 1970.]

WHEREAS, The 1970 Committee on Conference relating to the Budget Bill recommended that the Department of Motor Vehicles conduct a survey of comparable states with automated systems to determine the potential utilization of the computer to provide on-line issuance of drivers' licenses or to provide other services to the field offices which could result in a reduction of personnel or a reduction in the number of paper transactions required in the processing of licenses or vehicle registration information; and

WHEREAS, It is also important that enforcement personnel be provided with the utmost capability in determining the validity of drivers' licenses by the use of such systems as "encoding"; and

WHEREAS, It is believed that drivers' licenses issued in color on-line or off-line offer better identification than those in black and white; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Director of Motor Vehicles be requested to expand the study to be conducted by the department so as to include the two additional points covered in this resolution; 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 274

Senate Concurrent Resolution No. 110—Relative to Big Basin Redwoods State Park.

[Filed with Secretary of State September 8, 1970.]

WHEREAS, Big Basin Redwoods State Park, located almost entirely within Santa Cruz County, is the oldest of the California state parks, having been established on September 20, 1902, and was the first public conservation undertaking for the Sequoia sempervirens (coast redwood); and

WHEREAS, The Big Basin Redwoods State Park contains over 69 species of birds, 17 species of mammals, 10 species of reptiles and amphibians, 109 species of plants, shrubs and trees native to the area, and is self-contained, occupying as it does the complete Waddell Creek watershed from source to sea, and similarly the Año Nuevo Creek watershed, together with various small feeder streams; and

WHEREAS, The park with its contrasts of ocean frontage and high back country, deep forests and open streamside meadowlands, is suited to rest and relaxation, and for benefit and enjoyment to be derived from viewing the impressive scenery, walking, riding, nature study, photography, and the review of local history in the pioneering of lumbering and ranching; and

WHEREAS, In the past 10 years some eight million people representing every state of the Union and many foreign counties have visited this park; and

WHEREAS, The needs of the public for parks and recreation areas adjacent to or near centers of population are perfectly met by the Big Basin Redwoods State Park because it is situated only minutes from some communities and less than two hours from the large communities of San Francisco, Oakland, San Jose, Monterey, Santa Cruz, Watsonville and Salinas; and

WHEREAS, Although progress has been made in the 68 years since its establishment, the Big Basin Redwoods State Park has never been completed, there being several major private holdings and a number of minor properties within the park's boundary which at this time are jeopardized by serious threats of logging, development or investment speculation; and

WHEREAS, One of the critically important privately owned properties, Rancho del Oso of 2,316 acres, occupies the entire lower four miles of Waddell Creek Valley, preventing public utilization of the first magnificent reach inland from the sea to the Waddell Valley; and

WHEREAS, Rancho del Oso is indispensable to the Big Basin Redwoods State Park, in the view of the Department of Parks and Recreation, which body is fully supported in this view by conservation groups throughout the region; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature express its

intent that the Rancho del Oso property be preserved as open space for the enjoyment of all residents of the state by inclusion in the Big Basin Redwoods State Park; and be it further

Resolved, That the Department of Parks and Recreation place the acquisition of the Rancho del Oso property on high priority for acquisition; and be it further

Resolved, That when funds become available from any appropriate source that the state begin immediate negotiations to secure and take option on the property to prevent development which is not compatible with the Big Basin Redwoods State Park; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the Secretary of the Resources Agency and the Director of the Department of Parks and Recreation.

RESOLUTION CHAPTER 275

Senate Concurrent Resolution No. 111—Relative to commitment of mentally disordered offenders.

[Filed with Secretary of State September 8, 1970.]

WHEREAS, Mentally disordered offenders are committed to the Department of Mental Hygiene for indefinite time periods; and

WHEREAS, Persons convicted of minor offenses are often committed for periods which exceed the maximum legal term for their crimes; and

WHEREAS, The "therapeutic and remedial" reasons for such commitments may not justify the possible denial of certain constitutional protections; and

WHEREAS, There is a serious question as to whether indeterminate commitment of mentally disordered offenders is consistent with due process of law; and

WHEREAS, Considerable public expense is incurred in processing these cases through probation departments, the courts, the Department of Mental Hygiene, and the Department of Corrections, and the effectiveness of this system has never been evaluated; and

WHEREAS, The Institute for the Study of Crime and Delinquency plans to conduct a study concerning the "treatment of mentally disordered offenders"; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature of the State of California commends the Institute for the Study of Crime and Delinquency for its efforts to resolve these problems and urges the National Institute of Mental Health, the California Council on Criminal Justice, and other related agencies to cooperate with this project through the provision of such funds as may be required; and be it further

Resolved, That the Secretary of the Senate transmit suitably prepared copies of this resolution to the Institute for the Study of Crime and Delinquency, the National Institute of Mental Health, and the California Council on Criminal Justice.

RESOLUTION CHAPTER 276

Senate Joint Resolution No. 13—Relative to the release of prisoners of war.

[Filed with Secretary of State September 8, 1970]

WHEREAS, North Vietnam is holding many Americans as prisoners of war; and

WHEREAS, North Vietnam is not honoring the terms of the Geneva Convention and is abusing these prisoners; and

WHEREAS, Almost one-fourth of the total number of prisoners and personnel missing in action are from California; and

WHEREAS, Many thousands of Americans are expressing their concern and mobilizing world public opinion to urge North Vietnam to honor the spirit of the Geneva Convention and end abuse of prisoners; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Governor of this State, the President of the United States, and the Congress of the United States are requested to do all that can be done to obtain the release or better treatment of prisoners held by North Vietnam; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to Governor Ronald Reagan, President Richard M. Nixon, the Vice President, the Speaker of the House of Representatives, and each Member of the Congress of the United States from California.

RESOLUTION CHAPTER 277

Senate Joint Resolution No. 26—Relative to equal rights for men and women.

[Filed with Secretary of State September 8, 1970.]

WHEREAS, Legislation was introduced to propose an amendment to the Constitution of the United States and provides, in part, that "equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex"; and

WHEREAS, The greatness of this land is the result of the contributions of the members of both sexes who settled the vast areas encompassed by our great nation and, by their arduous labors, built the great and creative society which flourishes today; and

WHEREAS, Throughout the long and glorious history of our country, the members of the fairer sex have assumed the burdens and responsibilities of a citizen on an equal footing with the men in our country and have taken part in the democratic processes of the United States by serving their fellow man through meaningful participation in the various entities which represent and govern all citizens; and

WHEREAS, Realizing that any discrimination on the basis of sex is an invidious discrimination, many members of the American community have recognized the longstanding need to guarantee equal rights for women and have fought energetically to bring about this equality in every area of life within this nation; and

WHEREAS, The introduction of legislation is a vital step in bringing about true equality in this country by amending the greatest document in the history of our nation to outlaw discrimination on the basis of sex and to create a positive statement which reaffirms the basic belief that all persons are created equal; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to enact legislation which would thereby reaffirm the principles of equality of the sexes upon which our great nation was founded almost two centuries ago; 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 Speaker of the House of Representatives, and each Senator and Representative from California.

RESOLUTION CHAPTER 278

Senate Joint Resolution No. 33—Relative to guaranteed minimum water flow for the lower American River.

[Filed with Secretary of State September 8, 1970]

WHEREAS, The lower American River is a unique combination of a beautiful river in the midst of a highly urbanized area, and provides recreation and aesthetic value to the people of northern California; and

WHEREAS, In October, 1964, Sunset Magazine published a six-page report commending the dedicated community effort to preserve a natural parkway along the American River, and millions of dollars of both public and private funds have been invested to establish parks and other recreational facilities along the river; and

WHEREAS, There is deep concern that the proposed Folsom South Canal will reduce the water level below the minimum

necessary to maintain fishlife, aesthetic beauty, and boating safety on the river; and

WHEREAS, Sunset Magazine, in a postscript to its 1964 article, has recently observed that, although the American River Parkway had received nationwide acclaim as a working blueprint for a successful community program of environmental control, projected water withdrawal demands on the reservoirs that provide the river's downstream flow endanger not only the fisheries, wildlife, and recreational opportunities of the river but also the ecological integrity of the entire parkway; and

WHEREAS, The City of Sacramento, by resolution of the Sacramento City Council, dated May 14, 1970, voiced its concern that the construction of the proposed Folsom South Canal, with its resultant diversion of water from that portion of the river below Nimbus Dam, posed a grave threat to the maintenance of the necessary minimum water flow; and

WHEREAS, Numerous organizations, such as the Audubon Society, California Fly Fishermen Unlimited, the Save the American River Association, cosponsored by 129 organizations, the Sierra Club, and the Valley Council of Diving Clubs, consisting of 14 organizations, have similarly expressed their alarm; and

WHEREAS, Year-around operational criteria for Nimbus Dam will need to be established and such criteria will necessarily include minimum flow releases for the lower American River; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California memorializes the Bureau of Reclamation of the Department of the Interior to establish and guarantee the minimum water flow for the lower American River necessary in order to protect and maintain the recreational and aesthetic values of the river, taking into account the water supply requirements of the Folsom-South Canal service area; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the Secretary of the Interior, and to the Commissioner of Reclamation.

RESOLUTION CHAPTER 279

Senate Joint Resolution No. 37—Relative to air pollution financing.

[Filed with Secretary of State September 8, 1970]

WHEREAS, California has pioneered in the research and development of controls for motor vehicular and other sources of air pollution; and

WHEREAS, This pioneering and continuing effort has established California's reputation as the national and worldwide leader for scientific and technical expertise in air pollution research and control; and

WHEREAS, The financial burden for air pollution research and control has been largely borne by the citizens of the State of California and its motor vehicle owners and operators; and

WHEREAS, The benefits of this research and control have been made available to and received by the citizens of all of these United States; and

WHEREAS, Air pollution is an acute and serious nationwide problem, as witnessed by recent smog alerts in other major urban areas of the country; and

WHEREAS, California is allocating a disproportionate amount of its resources and funds in its efforts to reduce this menace to the health and welfare of mankind, notwithstanding the fact that 90 percent of the nation's motor vehicles are owned and operated by residents of other states; and

WHEREAS, The federal government, as well as these other states, should be called upon to bear a more appropriate share of this burden whose benefits are received by the citizens of all 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 hereby respectfully memorializes the President and the Congress of the United States to augment and increase its funding for research and development being carried out by California's many highly qualified scientists and institutions, both public and private, engaged in this activity; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the President and Vice President of the United States, to the 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 280

Assembly Concurrent Resolution No. 81—Relative to the creation of a college of the law in San Diego County.

[Filed with Secretary of State September 8, 1970]

WHEREAS, An additional publicly supported law school is needed to provide greater access to the study of the law for students in southern California, and establishment of such a school in San Diego County would be useful to the legal profession in that area; and

WHEREAS, The educational approach used by the Hastings College of the Law in San Francisco has been highly successful; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, As follows:

1. The Regents of the University of California are hereby requested to study the need and the feasibility of establishing an additional law school in southern California.

2. In conducting the study, all reasonable alternative approaches shall be considered, with particular attention to be given to the organizational structure and educational purposes served by the Hastings College of the Law approach.

3. In conducting the study, particular attention shall be given to the need for such a facility in San Diego County and to the question of whether such a facility should be located on the campus of the University of California, San Diego, or in a central urban area; and be it further

Resolved, That the board of regents is directed to report the findings of the study, and such recommendations as they deem appropriate, to the Legislature not later than November 1, 1971; 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.

RESOLUTION CHAPTER 281

Senate Concurrent Resolution No. 60—Relative to the Joint Committee on Seismic Safety.

[Filed with Secretary of State September 25, 1970]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That in addition to any money heretofore made available, the sum of twenty-two thousand seven hundred ninety dollars ($22,790) 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 Committee on Seismic Safety 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. Such sum shall be allocated and made available from July 1, 1970, to June 30, 1971, contingent on the availability of matching federal funds.

RESOLUTION CHAPTER 282

Senate Concurrent Resolution No. 117—Relative to adoption of the Joint Rules of the Senate and Assembly.

[Filed with Secretary of State September 25, 1970]

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 1970 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 and 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 and 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. (a) Unless otherwise provided by concurrent resolution, no bill shall be introduced after the Friday following the Easter recess of a regular session except as follows:

(1) 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.

(2) 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.

(3) 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.

(b) All requests for the preparation of a bill to be introduced on or before the Friday following the Easter recess shall be made to the Legislative Counsel on or before 5 p.m. on the Friday preceding the Easter recess. The Legislative Counsel shall not deliver the draft of any bill requested after 5 p.m. on the Friday preceding the Easter recess until the Saturday following the Easter recess or after.

(c) 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, commencing on 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.

Rereference to Fiscal Committees

10.5. Bills shall be rereferred to the fiscal committee of each house when they would do any of the following:

(1) Appropriate money.

(2) Result in substantial expenditure of state money by: (a) imposing new responsibilities on the state or (b) new or additional duties on a state agency or (c) liberalization of any state program, function, or responsibility.

(3) Result in a substantial loss of revenue to the state.

Concurrent and joint resolutions shall be rereferred to the fiscal committee of each house when they contemplate any action which would involve any of the following:

(1) Any substantial expenditure of state money.

(2) A substantial loss of revenue to the state.

The above requirements do not apply to bills or concurrent resolutions which contemplate the expenditure or allocation of contingent funds.

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 the 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.

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, and 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 three hundred dollars ($300) at a regular session or such sum as may be fixed by the Joint

Rules Committee 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 not be 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 Rules Committee and may be made available to the public in such quantities and at such prices as the Joint Rules Committee 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; and concurrent, joint, and house resolutions originating in or acted upon by the respective houses. A regular 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 the 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 re-

cess 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.

Procedure on Defeat of Urgency Clause

23.5. Whenever a bill containing a section providing that the act shall take effect immediately as an urgency statute is being considered for passage and the urgency clause or the bill fails to receive the necessary two-thirds or more vote, no further action may be taken on the bill at that time, except that an amendment to remove the urgency provision from the title of the bill and the urgency clause from the body of the bill shall be in order, and if the amendment is adopted, the bill shall be reprinted to reflect such amendment. When the bill is reprinted, it shall be returned for further consideration to the same place on the file as when it failed to receive the necessary two-thirds or more vote.

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, and 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 Assistant 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.

Amendments to Concurrent and Joint Resolutions

25.5. When a concurrent or joint resolution is amended, and the only effect of the amendments is to add coauthors, the joint or concurrent resolution shall not be reprinted unless specifically requested by one of the added coauthors, but a list of the coauthors shall appear in the Journal and History.

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 pre-

scribed 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.

Resolutions

34.2. A concurrent, Senate resolution, or House resolution may be introduced to memorialize the death of a Member of the Legislature or a former member, or their immediate families, or any other person who has rendered exceptional service to society or has been unusually prominent in public life. In all other instances, a resolution other than a concurrent resolution, as specified by the Committee on Rules of each house, shall be used for the purpose of commendation, congratulation, sympathy, or regret with respect to any person, group, or organization.

No concurrent resolution requesting the Governor to issue a proclamation shall be introduced without the prior approval of the Committee on Rules of the house in which the resolution is to be introduced.

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.

Executive Reorganization Plans

34.7. 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.

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, except as otherwise provided, 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. With respect to all joint committees, a majority of the membership from each house constitutes a quorum and an affirmative vote of a majority of the membership from each house is necessary for the committee to take action. Each committee 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 Legis-

lature 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 member 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 withholding taxes 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 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 Rules Committee 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 Rules Committee.

Joint 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 Joint 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 Joint 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 Joint 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 express 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 Joint Legislative Budget Committee may render services to any investigating committee of the Legislature pursuant to contract between the Joint Legislative Budget Committee and the committee for which the services are to be performed. The contract may provide for payment to the Joint 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 Joint Legislative Budget Committee.

Money received by the Joint Legislative Budget Committee pursuant to any such agreement shall be in augmentation of the current appropriation for the support of the Joint Legislative Budget Committee.

The provisions of Joint Rule 36 shall apply to the Joint 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 Joint Legislative Budget Committee and under its 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 Joint Legislative Budget Committee.

(3) To provide all legislative committees and Members of the Legislature with information obtained under the direction of the Joint Legislative Budget Committee.

(4) To maintain a record of all work performed by the Legislative Analyst under the direction of the Joint 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, author-

ity, 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 Joint 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 of 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. The Joint Rules Committee shall succeed to, and is vested with, the power and duties of the Legislative Analyst resulting from his designation as "clerk" and "secretary" pursuant to subdivision (d) of Section 9900 of the Government Code, by the Standing Rules of the Senate, the Standing Rules of the Assembly, and the Joint Rules of the Senate and Assembly.

In addition, the committee shall have the rights, powers and duties prescribed in Section 9909 of the Government Code, specifically including but not limited to the authority to grant certificates of registration as legislative advocates.

The committee shall study and analyze all facts relating to legislative representation and the regulation thereof, and shall report thereon to the Legislature at each regular session and

from time to time as the committee deems necessary, including in the reports its recommendations for appropriate legislation.

The committee may direct the Legislative Analyst to perform such duties as may be assigned to him by the 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 Rules Committee

40. The Joint Rules Committee 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 employ, on behalf of all other joint committees, except the Joint Legislative Budget Committee or the Joint Legislative Audit Committee, such persons as may be necessary to enable them fully and adequately to exercise their powers and perform their duties.

(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*) The staff of the committee may be paid from the Contingent Funds of the Assembly and Senate.

(m) To appoint the chairmen of joint committees, as authorized by Joint Rule 36.7.

(n) 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 Joint Committee on Legislative Organization, 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.

Subcommittee on Legislative Assistance

40.5. A subcommittee of the Joint Rules Committee is hereby created to be known as the Subcommittee on Legislative Assistance. The Chairman of the Joint Rules Committee shall appoint one member of the Joint Rules Committee from each house to be members of the subcommittee.

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.

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.

The Joint Rules Committee shall allocate to the subcommittee, from any funds available therefor, such funds as may be required to carry out its functions.

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 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 Com-

pensation 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 or 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 be-

lieves 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 of the 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 of the 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 rule 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 283

Senate Concurrent Resolution No. 118—Relative to printing of bills and measures.

[Filed with Secretary of State September 25, 1970]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the State Printer shall observe these directions in printing bills and measures:

(1) The body of bills and measures shall be printed in 10-point type or larger.

(2) The Legislative Counsel's Digest shall be printed on the bill or measure, commencing on the first page thereof, but need not be commenced on the lower part of the first page.

RESOLUTION CHAPTER 284

Senate Concurrent Resolution No. 119—Relative to the creation of the Joint Committee on Automobile Accident Study.

[Filed with Secretary of State September 25, 1970]

Resolved by the Senate of the State of California, the Assembly thereof concurring, as follows:

1. The Joint Committee on Automobile Accident Study is hereby created and authorized and directed to ascertain, study and analyze all facts relating to automobile accidents, including their prevention and consequences as well as related insurance, motor vehicle and procedural laws bearing thereon, 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 four members of the Senate, appointed by the Committee on Rules thereof, and four 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 June 30, 1971, with authority to file its final report not later than June 30, 1971.

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 may appoint a citizens advisory committee composed of eight members. The members of the advisory committee shall serve without other compensation but shall be reimbursed for all necessary expenses actually incurred in the performance of their duties.

6. The members of the committee, its agents, or employees may absent themselves from the state where necessary for the performance of their duties

7. The committee has the following additional powers and duties:

(a) To select a chairman and vice chairman from its membership, where not inconsistent with the Joint Rules of the Senate and Assembly.

(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.

RESOLUTION CHAPTER 285

Assembly Concurrent Resolution No. 198—Relative to joint committees.

[Filed with Secretary of State September 25, 1970.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, As follows:

1. There are hereby created, to be in existence until July 31, 1971:

(a) The Joint Committee on School Finance.

(b) The Joint Committee on Educational Goals and Evaluation.

(c) The Joint Committee on the Master Plan for Higher Education.

(d) The Joint Committee on Textbooks and Curriculum.

Each committee has the following powers and duties:

All of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to each committee and its members.

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.

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.

To report its findings and recommendations to the Legislature and to the people from time to time and at any time.

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.

2. The Joint Committee on School Finance, in addition, is hereby authorized and directed to ascertain, study and analyze all facts relating to (a) revising, simplifying, and recodifying all sections of the Education Code governing financial provisions and (b) separately recommending policy changes designed to diminish the financially restrictive aspects of the Education Code which prevent school districts from optimizing the use of limited resources, 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 such subject, and to report thereon to the Legislature, including in the report its recommendations for appropriate legislation. 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 Joint Committee on Educational Goals and Evaluation, in addition, is authorized to conduct a study for the purpose of investigating and recommending to the Legislature

the goals of education as developed by local educational agencies, the objectives of educational programs relating to such goals, and an evaluation program designed to measure the degree to which the goals and objectives of the educational program are being met. The identification and development of goals for local school districts shall continually involve the public within each school in the district including students, parents, educators (including classroom teachers), scholars, representatives of business and labor and any other citizens. The Joint Committee on Educational Goals and Evaluation shall appoint appropriate advisory committees from the public, including students, parents, educators (including classroom teachers), members of district governing boards, county boards of education and any other citizens; and may contract with any public or private agencies for any part of the study. The Joint Committee on Educational Goals and Evaluation shall study and recommend to the Legislature an evaluation program to include the following factors:

(a) Those common areas of instruction that are identified in the goal-setting and objectives-setting process;

(b) The collection of appropriate educational data on children who are entering the California public schools for the first time;

(c) The measurement of student progress across grade or age levels in a particular subject matter area;

(d) The collection of data on the educational environment within a school, including the conditions of the physical plant, instructional equipment and materials, curriculum, and the views of students, teachers, and administrators of the school's educational offerings;

(e) The collection of data on the environment within a school attendance area, including socioeducational data, size of school, fiscal and material resources, and the students', parents', and other residents' view of the relationship between the school and the community;

(f) The measurement of special education programs, including programs for the physically handicapped, educationally handicapped, and mentally exceptional children.

(g) The measurement of vocational education programs; and

(h) Any other evaluation measures appropriate to educational programs within the state.

The Speaker of the Assembly and the Senate Rules Committee shall each appoint four members, acting as and constituting a Joint Committee on Educational Goals and Evaluation, and working in cooperation with a three-member committee of the State Board of Education appointed by its president, shall undertake the investigative study and make recommendations to the Legislature not later than July 31, 1971.

It is the intent of the Legislature that the State Board of Education shall provide services, either through funding

or in kind equivalent to the allocation actually disbursed from the Contingent Funds of the Assembly and Senate by the Joint Committee on Educational Goals and Evaluation pursuant to this resolution for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution.

4. The Joint Committee on the Master Plan for Higher Education, in addition, is hereby authorized and directed to ascertain, study, and analyze all facts relating to the development of a new Master Plan for Higher Education in California, including the following issues:

(1) The purposes, functions, and responsibilities of higher education institutions in the future.

(2) Questions concerning those governance mechanisms which will best assure that the purposes, functions, and responsibilities of higher education are fulfilled; including (a) state government, (b) governing boards, (c) the coordinating agency, (d) WICHE, and (e) such other mechanisms as the committee may wish to consider.

(3) Questions as to the best system for assuring accountability for the organization and management structure for higher education.

(4) The relative emphasis now accorded undergraduate and graduate training in view of the current and projected manpower needs of society of college and university faculties.

(5) Questions regarding qualifications for admission to institutions of higher education

(a) Rising expectations of low-income students.

(b) Review of the concept that all qualified students be able to attend higher education institutions and that all students have equal access to such institutions.

(6) The ability of the state to provide adequate resources for higher education, including the distribution of resources among the institutions of higher education in California, both public and private.

(7) The relative emphasis now accorded undergraduate and graduate training in view of the current and projected manpower needs of society.

The committee shall also ascertain, study, and analyze all facts related to, 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 such subject, and to report thereon to the Legislature, including in the report its recommendations for appropriate legislation.

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.

The committee may establish a technical advisory council composed of representatives of, and selected by, the University

of California, California State Colleges, California Community Colleges, and the private institutions of higher education in California, and such other qualified persons chosen by the committee, as the committee deems necessary to secure technical advice.

5. The Joint Committee on Textbooks and Curriculum, in addition, is hereby authorized and directed to ascertain, study and analyze all facts and various proposals relating to the statewide adoption and distribution of textbooks and other curriculum materials, the impact and effectiveness of existing statutory requirements affecting curriculum in the public elementary and secondary schools of California, and all other material which the committee considers is germane to its inquiry, and to report thereon to the Legislature, including in the report its recommendations for appropriate legislation. The committee shall familiarize itself with similar and related investigations currently underway in the several states, by the federal government, and foundations and universities.

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.

The committee and each subcommittee thereof is authorized to leave the State of California in the performance of its duties.

6. The Joint Committee on Atomic Development and Space is continued in existence, notwithstanding the provisions of Assembly Concurrent Resolution No. 154 (Resolution Chapter 262) of the 1968 Regular Session, and Assembly Concurrent Resolution No. 180 (Resolution Chapter 333) of the 1969 Regular Session. The committee shall file its final report of its findings and recommendations during the 1971 Regular Session. The committee may act until July 31, 1971.

7. The Joint Committee on Open Space Lands created by Assembly Concurrent Resolution No. 26 (Res. Ch. 87) of the 1967 Regular Session is continued in existence. The committee may act until July 31, 1971.

8. The Joint Legislative Committee on Economic Conversion is continued in existence. The committee is authorized and directed to ascertain, study and analyze all facts relating to ways in which this state's economy can adjust to the changing security needs of the country and prepare for a transition to a civilian economy when necessary. This is necessitated by the fact that for many years important segments of this state's economy have been dependent upon the military needs of the United States and that recently those needs have changed and as a consequence some areas in our state which have been dependent upon a particular military installation that has closed or upon certain government contracts that have not been renewed have suffered from unemployment and general business

dislocation. In order to minimize the problems which result to local communities and to the state as a whole when converting from a military to a civilian economy it is necessary to prepare in advance. The committee shall prepare schedules of possible private and public investment patterns and the employment and income effects to be expected therefrom; convene conferences on economic conversion and growth; focus statewide attention on the problems of conversion and economic growth; and study all parts of the state's economy, 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 such subject, and to report thereon to the Legislature, including in the report its recommendations for appropriate legislation.

The committee shall consist of four Members of the Senate, appointed by the Committee on Rules thereof, and four Members of the Assembly, appointed by the Speaker thereof. Vacancies occurring in the membership of the committee shall be filled by the appointing power.

The committee may act until July 31, 1971.

The committee may appoint advisory committees to assist the committee.

8.5. The Joint Committee on Reorganization of Large Urban Unified School Districts created by Senate Concurrent Resolution No. 14 (Resolution Chapter 290) of the 1969 Regular Session, and continued by Senate Concurrent Resolution No. 21 (Resolution Chapter 34) of the 1970 Regular Session and Senate Concurrent Resolution No. 84 (Resolution Chapter 105) of the 1970 Regular Session, is continued in existence to the end of December 1970. The committee is authorized and directed to complete its final report, arrange for the printing and distribution of the same, and conclude all matters relating to the reorganization of large urban unified school districts.

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.

The committee may act until December 31, 1970.

9. The following sums of money, or so much thereof as may be necessary, are hereby made available until July 31, 1971, in the amounts and to the designated committees 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 funds and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer:

(a) The Joint Committee on School Finance, fifty thousand dollars ($50,000).

(b) The Joint Committee on Educational Goals and Evaluation, fifty thousand dollars ($50,000).

(c) The Joint Committee on the Master Plan for Higher Education, one hundred fifty thousand dollars ($150,000).

(d) The Joint Committee on Textbooks and Curriculum, forty-seven thousand five hundred dollars ($47,500).

(e) The Joint Committee on Open Space Lands, such funds as have been heretofore or are hereafter made available.

(f) The Joint Committee on Atomic Development and Space, forty thousand dollars ($40,000).

(g) The Joint Legislative Committee on Economic Conversion, forty thousand dollars ($40,000).

(h) The Fairs Allocation and Classification Committee, eighteen thousand dollars ($18,000).

(i) The Joint Legislative Retirement Committee, one hundred thousand dollars ($100,000).

(j) The Joint Committee on Reorganization of Large Urban Unified School Districts, fifteen thousand dollars ($15,000).

RESOLUTION CHAPTER 286

Assembly Concurrent Resolution No. 202—Relative to the Randolph Collier Safety Roadside Rest.

[Filed with Secretary of State September 25, 1970.]

WHEREAS, Senator Randolph Collier has been a leader in the California highway program for many years and has been a member of the Senate Committee on Transportation since 1945; and

WHEREAS, He coauthored the Collier-Burns Act which is the basis for most subsequent California highway legislation; and

WHEREAS, He was the author of the bill creating the Safety Roadside Rest Program for California wherein the Legislature approved the master plan for safety roadside rests; and

WHEREAS, The Department of Public Works is now constructing a roadside rest on Interstate Highway 5 near the Klamath River in Siskiyou County, the county in which Senator Collier began his public service; and

WHEREAS, It is most fitting that this safety roadside rest be named after Senator Collier; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the safety roadside rest now being constructed on Interstate Highway 5 near the Klamath River is hereby officially designated the Randolph Collier Safety Roadside Rest; and be it further

Resolved, That the Department of Public Works be requested to erect and maintain suitable plaques or markers indicating such designation; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to Senator Randolph Collier and to the Director of Public Works.

RESOLUTION CHAPTER 287

Assembly Concurrent Resolution No. 203—Relative to commending the California Constitution Revision Commission.

[Filed with Secretary of State September 25, 1970]

WHEREAS, The people of the State of California at the general election in 1962 authorized the Legislature to provide for revision and clarification of the Constitution; and

WHEREAS, The California Constitution Revision Commission was created by the Legislature in 1963 to provide it with facts and recommendations relating to the revision of the California Constitution; and

WHEREAS, Since the commission's first meeting on February 20, 1964, the 74 prominent and generous Californians who have served on the commission have contributed over 25,000 man-hours in thoughtful deliberation of their recommendations; and

WHEREAS, The commissioners' enormous donation of their time and energy has been without compensation; and

WHEREAS, The several members of the commission's staff have worked diligently for six years to provide comprehensive research into the issues considered by the commission; and

WHEREAS, Adoption of the commission's recommendations has to date reduced by 25,000 words the length of our complex and bulky Constitution; and

WHEREAS, The commission's recommendations for revising seven articles of the Constitution have already been approved by the electorate and further recommendations for four articles will be before the people on the November ballot; and

WHEREAS, The commission will complete its work on the remaining articles of the Constitution by the end of 1970; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members join in commending the commission and its staff for their generous contribution toward the revision of the California Constitution; and be it further

Resolved, That the Chief Clerk of the Assemby transmit suitably prepared copies of this resolution to each member of the California Constitution Revision Commission and each member of its staff.

RESOLUTION CHAPTER 288

Assembly Concurrent Resolution No. 205—Relative to adjournment of the 1970 Regular Session.

[Filed with Secretary of State September 25, 1970]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the 1970 Regular Session of the Legislature of the State of California shall adjourn sine die at 5 p.m. on September 23, 1970.

RESOLUTION CHAPTER 289

Assembly Concurrent Resolution No. 206—Relative to the retirement of Attorney General Thomas C. Lynch.

[Filed with Secretary of State September 25, 1970.]

WHEREAS, Thomas C. Lynch, Attorney General of the State of California since August 31, 1964, will not stand for reelection at the coming general election and will therefore complete 37 years of distinguished and dedicated public service this coming January; and

WHEREAS, A native of San Francisco, Thomas C. Lynch attended the University of Santa Clara and University of San Francisco and was admitted to the practice of law in 1930; and

WHEREAS, His outstanding career of public service began in 1933 when he became Assistant United States Attorney for the Northern District of California, a position he held until 1944, when he became the Chief Assistant District Attorney of the City and County of San Francisco; and

WHEREAS, Elected District Attorney of San Francisco in 1951, Thomas C. Lynch was reelected to that position three times without opposition and was appointed Attorney General by Governor Brown on August 31, 1964; and

WHEREAS, Politically active, Attorney General Lynch has served as a chairman in the campaigns of President Kennedy, President Johnson, and Governor Brown, and was elected in his own right to a first term as Attorney General in 1966, the only member of his party holding a statewide office to be returned to office in that year; and

WHEREAS, The professional recognition granted Attorney General Lynch, such as being voted a Fellow of the American College of Trial Lawyers, his membership on President Johnson's Commission on Law Enforcement and Administration of Justice, and his selection to positions of high authority and respect in the California District Attorneys' Association show the unbounded respect and admiration accorded to him by his peers; and

WHEREAS, Attorney General Lynch has invaluably aided the Legislature in drafting significant legislation relating to law enforcement, including measures to control the use of narcotics and dangerous drugs, to control purchase and sale of pornographic matter, to control distribution of destructive devices and dangerous weapons, and to improve the quality of law enforcement in California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members commend Attorney General Thomas C. Lynch for his outstanding service to the people of the State of California, extend to him and his lovely wife, Virginia Summers Lynch, the gratitude of the people of the state, and express the sincerest wish for a richly deserved and happy retirement from public life; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a suitably prepared copy of this resolution to Attorney General Thomas C. Lynch.